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### PART III

## REPORT OF THE COMMITTEE OF INQUIRY ON CONDITIONS IN WASHBURN COLLEGE

### I. OCCASION AND METHOD OF THE INVESTIGATION

Late in June, 1919, application was made by several professors in Washburn College, Topeka, Kan., for an investigation into the circumstances of the dismissal, on June 11, of Dr. J. E. Kirkpatrick, professor of History and Political Science in that college.

Early in July the then President of the Association, now chairman of this Committee, spent three days in Topeka, holding conferences with the President of the college, a committee of the trustees, Dr. Kirkpatrick and his attorney, numerous members of the college faculty, officers of the Alumni Association, and others. As a result of this preliminary inquiry, and of the attitude of the college authorities towards certain proposals which had been made for a settlement of the case without action by this Association, the President of the Association on July 23 submitted to the Committee on Academic Freedom and Academic Tenure a brief outline of the matters at issue in the case and recommended that an investigation by a special committee be authorized. This recommendation was unanimously adopted and a committee of inquiry was appointed.

The Association's representative was courteously received at Topeka by the President of the college and by two members of the Board of Trustees, Messrs. Godard and Elliott, constituting the majority of the Board's committee in charge of the matter. These gentlemen stated at length the reasons which they regarded as justifying the dismissal of Professor Kirkpatrick; and the chairman of this Association's committee was also permitted to read an unpublished statement by the President of the college in justification of the dismissal. There has subsequently been an interchange of several letters between the chairman and President Womer concerning the case. President Womer has, however, refused to authorize the publication of certain of his letters, and he has at all times declined to answer specific questions with respect to points which appear to the Committee to be of

critical importance in the case.\* He has also declined to lay before the Committee as a whole the written statement examined by the chairman in Topeka. Questions in writing have been submitted by the Committee to the members of the Executive Committee of the Board of Trustees and to some other members of the Board; but with the exception of Rev. Dr. Charles M. Sheldon, no trustee has answered any of these questions. Interrogatories were mailed to all members of the faculty of liberal arts of the grade of professor, and to several other teachers. Comprehensive statements, or replies to questions, by eighteen professors are before the Committee. Oral statements by several of these and by one other teacher were also made to the chairman in Topeka. Evidence from other persons cognizant of certain pertinent matters has also been obtained, as well as documentary evidence in the form of letters contemporaneous with some of the incidents in question.

Completion and publication of this report was deferred until after February, 1920, in the hope that efforts being made by professors, alumni, and others, and certain plans under consideration by the trustees, might yet lead to a judicial hearing of the case of Dr. Kirkpatrick by a fairly constituted local committee, without the necessity of further action by the Association's committee. These hopes were disappointed. Subsequent unanticipated circumstances have further delayed publication of the report.

The question of freedom of teaching is not primarily at issue in the case. It is not charged, and it is not shown by any evidence before the Committee, that objections to Dr. Kirkpatrick's teachings or to his political or economic opinions played an important part in causing his dismissal, though there are indications that

\* The Committee has been embarrassed in its conduct of the investigation by the receipt from President Womer, in response to its requests for evidence to be used in this report, of letters described by him as confidential. While the Committee does not regard itself as in confidential relations with Dr. Womer, it nevertheless has refrained from publishing these communications as a whole, or any portions of them which could be regarded as dealing with private matters. It has, however, felt obliged to cite certain passages which constitute Dr. Womer's defense to charges against him referred to in this report, and also to take cognizance of a charge against Dr. Kirkpatrick contained in these letters and represented therein as having had an important relation to his dismissal.

some attacks had been made upon him on these grounds. As will appear more fully in the report, the most significant charge brought by the dismissed professor and by other members and former members of the faculty against the President and Board of Trustees is that the dismissal was largely due to the efforts made by Dr. Kirkpatrick during the academic year 1918-19 to bring about changes in the form of government of Washburn College, by which the powers then exercised by the President would have been limited and a larger measure of responsible faculty participation in the government of the institution and in the determination of its educational policies would have been assured. The charge is manifestly one which this Association must regard as not less serious than a charge of unwarrantable restriction of freedom of teaching. If leadership in the attempt to alter existing conditions and to introduce a greater degree of representative government into the organization of a college or university is to be punished by dismissal—as is alleged to have occurred in this case—the processes making for reform in the internal constitution of American colleges are threatened at their point of origin, and the teaching profession is deprived of the right of even urging changes which it may believe to be needful. The evidence bearing upon this charge will be examined in detail in the report. It is also charged that proper judicial procedure was not observed in the dismissal of Dr. Kirkpatrick; that certain acts of bad faith were committed by the President of the college; and that in general, the methods of the college administration are such as to make service in the institution undesirable for teachers of good professional standards.

The Committee hopes that to those who read the report it will not be necessary to explain why it has seemed worth while to deal so fully with a case occurring in a relatively small institution. The case is significant, not only because of the character of the principal issue raised, but also for two further reasons. It in the first place interestingly exhibits, upon a small stage and in the setting of a college community, certain processes, and certain conflicts between types of personality and of political theory (in the broad sense), which have repeatedly been presented upon the larger historic scene, in the working out of the governmental institutions of western peoples. In the second place, the institution concerned is one of a numerous and important class. Washburn

College in 1919 was in many respects a typical American "small college"—in its history, its traditions, its problems and difficulties, its relations to the community, and, to a considerable degree, its form of government. Institutions of its type have in the past played a large and admirable part in higher education in the United States. They may well play such a part in the future, if their development is wisely guided, and they adjust themselves understandingly to the needs and to the temper of the time. The Committee believes therefore that a careful review of a recent critical and instructive incident in the history of one such college may be of some interest and value to all those who share in the responsibility for the policies of any institution of this type, and to the still larger number of persons who appreciate the potential place of such colleges in our general educational system.

It is necessary, before examining the specific charges relating to the removal of Professor Kirkpatrick, to give some account of the general background of the case, and to record certain incidents antecedent to the dismissal.

## II. CONDITIONS AND INCIDENTS ANTECEDENT TO THE DISMISSAL OF PROFESSOR KIRKPATRICK

Washburn College was founded in 1865 by the General Association of Congregationalists of Kansas, but is non-sectarian in policy and government, except that the Kansas Congregational Conference nominates three of the twenty-four trustees. The Congregational Conference also appoints a board of visitors, which has no considerable powers. Nominations for three positions on the Board may be made by the Alumni Association but, subject to these rights of nomination (not election), the Board is self-perpetuating. In 1919 the college had 46 teachers, of whom 27 were in the Collegiate Department, and an enrollment of 850 students, of whom about two-thirds were in that department. The productive funds of the institution were given as \$418,690, and its total annual income, including students' fees, as \$80,083. The institution includes a college of liberal arts, a law school, a school of fine arts, and a summer school.

Dr. Parley Paul Womer became President of the college in September, 1915. He is a native of Pennsylvania, had been a

student at Allegheny College, Ohio Wesleyan University, the University of Minnesota, and the University of Glasgow, Scotland, and is a graduate of the Yale Divinity School. He had been pastor of St. Matthew's United Free Church, Glasgow, 1902-03; and of Congregational churches in Syracuse, N.Y. (1903-07), and St. Paul, Minn. (1907-14). He was without previous experience in college administration or as a regular member of a college faculty.

For some time before Dr. Womer's election to the presidency the college had been in financial straits which gave much concern to the Board of Trustees. Dr. Womer was expected by the Board to initiate and carry on a vigorous campaign for funds. To this task he devoted himself with great energy and much success, so that the material condition of the college has notably improved during his administration. A large part of Dr. Womer's time and energy has, throughout his service, been consumed in duties of this character, which have compelled him to be absent from the college frequently and for considerable periods. Dr. Womer's success in these activities—it is indicated by statements made by him, by Mr. Godard of the Board of Trustees, and by members of the faculty—caused many of the trustees to regard him as almost indispensable to the institution, and he commanded the complete support of the majority of the Board.

In his relations with the faculty of the college no especial difficulties arose during the first two years of Dr. Womer's presidency. In the spring of 1918, however, there began a sequence of events which gravely affected those relations, and had much to do with creating the "psychological atmosphere" of the occurrences of a year later, with which this report is principally concerned.

During 1918-19 five teachers, four of them professors and heads of departments, were (as was subsequently charged in a statement signed by eight other members of the faculty) "either definitely dismissed or their relations with the school were severed under circumstances that had all the appearance of dismissals." In no case was there anything in the nature of a judicial hearing upon definite charges. The teachers in question were Hazel J. Bullock, Professor of French; Edith M. Meek, Instructor in Expression; Harry B. Yocom, Professor of Zoology; Horace Whitehouse, Dean of the School of Fine Arts; and E. A. Bredin,

who succeeded to the last-mentioned position. These incidents clearly did much (in the words of the statement last quoted) to "produce an unsettled and uncertain state of mind among the faculty." The Committee therefore deems it needful to record briefly the facts in four of these cases.

(1) Miss Bullock was not actually dismissed. She received in June, 1918, a letter informing her of the President's intention to reorganize the Department of French (of which she had been head for seven years) and "after another year to put it in other hands," and advising her, during the year, to secure a good position elsewhere. In the following October, however, he asked her in conversation if she "would stay in Washburn, taking second place in the Department." This she declined to do. President Womer on the same occasion gave as his principal reasons for the proposed reorganization that "he wanted a man for the head of the Department," and that French had become very important, and an American teacher was not fitted to give the work in as practical a way as was necessary." The Committee expresses no opinion concerning the validity of these reasons given by the President for his decision. What was significant was the conception of his own powers implied by his action in the first instance. He had assumed authority to give a department head notice of dismissal (with one year of grace) without charges of any kind,\* without consultation with any faculty body, without a vote of the Board of Trustees, and even—as appears from a letter of President Womer's which is before the Committee—without submission of the matter to the Board's "Committee on Teachers." It appeared a natural inference from this incident that teachers of full professorial rank, even after a number of years of successful service, held office solely at the pleasure of one man. It was, moreover, believed by some of the faculty, including Miss Bullock, and has subsequently been charged, that the President's action in this instance was due to personal rather than educational reasons. Concerning this charge the Committee finds no conclusive evidence.

(2) Miss Meek was summarily removed during her absence from Topeka, chiefly at the insistence of the head of a closely

\* President Womer at the same time wrote a letter commending in the highest terms Miss Bullock's work.

related and partly overlapping department. The reasons actuating the President were stated by him, in a letter to the dismissed teacher, as follows:

"For myself, I regret most sincerely the situation that keeps you from returning to Washburn. I must confess that I have felt rather vexed at Professor —— for his attitude. I feel, however, that the only way to solve the difficulty that has perpetually arisen between the two departments is to remove the cause of it by consolidating them."

(3) Professor Yocom was given leave of absence in March, 1918, upon his taking a commission in the United States Army. He left the college with the understanding, based upon statements by President Womer, that he would still be retained upon the faculty list and might expect to return to his position at the conclusion of his military service. In October, 1918, while in camp, he received a letter from President Womer informing him that the position had been permanently filled. Dr. Womer wrote:

"We have come to the point where it is virtually impossible to secure teachers for temporary supply service. In order to make provision for your department this year, I found it necessary to agree to make permanent arrangements, before I could secure any one who would consent to take the place. I regret this very much because it seems hardly fair to a man who has given up his place in order to enter the national service."

Dr. Womer's feeling of the unfairness of his dealings with Mr. Yocom was shared by many of the faculty, when the matter became known; and the incident caused much indignation. In this instance President Womer seems to the Committee to have solved a temporarily difficult administrative problem by what he himself knew to be an act of injustice. It was also an act manifesting a disregard of a plain requirement of good citizenship in such a situation. Rather than make for a brief period a practicable readjustment of the college work, President Womer was willing that the college should set the example of dismissing a man in its employ for entering the military service of the country in time of war.

(4) Dean Whitehouse was not dismissed. There had, during 1917-18, been much friction between him and the President,

partly resulting from a protest which Mr. Whitehouse states that he made "against his [President Womer's] action in engaging teachers for the School of Music without even asking for a suggestion" from him as dean of that school. In March, 1918, Mr. Whitehouse was offered the directorship of the Music Department in the Ohio Wesleyan University, which he accepted. For the belief of members of the faculty that Dean Whitehouse was virtually dismissed President Womer was nevertheless responsible. The Dean of the Law School, Professor A. J. Harno, in a sworn deposition testifies as follows:

"In the fall of 1918 Dr. Womer called affiant into the President's office and asked whether affiant had not been very friendly with Dean Whitehouse. Dean Whitehouse had then just left Washburn College for another position. Affiant says that in the course of this conversation Dr. Womer said in effect as follows: 'Many people believe that Dean Whitehouse resigned here to go to a better position. Well, he did not. He was fired from here, and went to a poorer position. . . . I had given him time to look for another position and when the position opened up I advised him to take it.'"

Mr. Whitehouse declares that his resignation was not given under compulsion, but was due to the fact that the position offered him was in his opinion preferable to the one he then held; he also states that Dr. Womer advised him, on the same grounds, to accept it.\* President Womer's conversation with Dean Harno naturally tended to create the impression, not only that another dismissal without charges or clearly stated reasons had taken place, but also that the President wished to call the attention of members of the faculty to his irresponsible power of removal.

The circumstances of the resignation of Dean Bredin—which was the fifth incident of the sort during 1918–19—cannot be clearly determined by the Committee, in view of Mr. Bredin's unwillingness to reply to its inquiries. It is clear, however, that

\* In a letter to Mr. E. A. Menninger, written June 30, 1919, in reply to criticisms, Dr. Womer gives an account of this matter which is directly opposed to his statement to Dean Harno, and in accord with the account above given. He writes: "Dean Whitehouse was not dismissed or even crowded out. We had just talked over matters and it had been agreed that he continue his work at Washburn when he received a call to Ohio Wesleyan University and handed in his resignation."

in this case also there had been serious friction between the President and himself over administrative matters and that Mr. Bredin was much dissatisfied with conditions in the college.

These incidents were well fitted to create a feeling of unrest, humiliation, and apprehension in the faculty. This feeling was strengthened by expressions used by the President which seemed to those who heard them to manifest an autocratic personal temper. Dean Harno in a sworn statement testifies that in his first conversation with Dr. Womer at which college affairs were discussed, the President "introduced his remarks as follows: 'Now first of all, I want you to distinctly understand that I am running this institution.' "\* At a faculty meeting in the spring of 1918 the President, in the words of one of the faculty, made "the point-blank statement that any action done in his absence that did not meet with his approval would be vetoed, however unanimous on the part of the faculty." Another professor reports this occurrence as follows:

"At a meeting in the autumn preceding, the President had requested that no action be taken by the faculty in his absence unless first presented to, and approved by, him. The question was then raised whether he meant this to apply to routine business. He said he did not mean to apply it to strictly routine business but to all business of importance, and mentioned specifically reports of all special committees. At the spring meeting in question he referred to this former request of his, saying it had been ignored and that, in order to insure its observation in the future, he had decided that he would 'just veto all action' taken thereafter in his absence. He did not at that meeting or at any faculty meeting concede the right of the faculty to act on any matter, other than routine matters, without consultation with him. He did not then, and has never since in a faculty meeting, disclaimed the general right of veto, but did at that time emphatically assert that right. The question was raised at the time by Dr. Fisk [the senior member of the faculty] of the existence of any such right, and President Womer replied that if Dr. Fisk doubted his right he could take the question to the Board of Trustees."

Ten members of the faculty testify to President Womer's having claimed, on this occasion, a right of veto upon faculty action

\* President Womer has been interrogated with regard to this, but has declined to answer.

taken in his absence; and one adds that this meeting was the beginning of "all later friction." President Womer has denied that he made so unqualified a claim; and his denial is supported by Professor W. A. Harshbarger, who writes:

"President Womer did not claim the right to veto all acts passed by the faculty. He explicitly explained that with certain acts of the faculty the President had no right to interfere. What he did claim was the right to veto certain acts that had to do with the general policy of the school, and these only when passed in his absence. He made clear that his veto was merely such as to delay action until he could discuss them with the faculty and all come to an agreement. This charge has been seriously over-worked. As a matter of fact, in my twenty-nine years' experience in Washburn College, no faculty action has ever been vetoed by a President."

It is the Committee's opinion that the preponderance of evidence indicates that President Womer's language at this meeting was such as to justify members of the faculty in believing that he claimed, with respect to all non-routine faculty action not taken in his presence and with his concurrence, a veto power such as had not been exercised by previous presidents of the college. If he did not intend actually to exercise this power, that fact could not be known to his hearers. The relation of the President to the rest of the faculty in the previous history of the college had always been—as the professor senior in years, Dr. Fisk, declared at this faculty meeting—that of *primus inter pares*. Dr. Womer's general attitude therefore seemed to a large part, though not to all, of the faculty to be not only improper in itself, but also to constitute a usurpation of autocratic powers not assumed by his predecessors in office. The situation was made the more difficult by the fact that the President's duties as money-raiser compelled him to lose touch with the internal affairs of the college for much of the time.

Distrust of the President arising from these causes was accentuated in the minds of a number of members of the faculty by incidents in which Dr. Womer seemed to them to manifest a tendency to subordinate the educational standards of the institution to the exigencies of his campaign for funds. In a previous year he had asked certain teachers whether they were not willing to revise the grades given to a student who had failed in his work,

in order that the student might pass. One of these teachers reports details of his conversation with the President as follows (names being omitted) :

"I replied that this was impossible, and added that the delinquency was not due to any lack of seriousness of effort on the part of X, but to subnormal mentality. He said he realized this in part; but that the student's father was a prominent and well-to-do man and had intimated to him that if Washburn would graduate his son he might do something handsome for the college in a financial way. He had asked Dr. Womer to advise him whether or not he should send his son back to school the following year. I urged against such a recommendation for the reason given above. Dr. Womer was very eager to encourage X to return and asked if I would not see him and urge him to come back next year. I promised to seek an opportunity to speak with him and express my good will and kindly feeling and, so far as honesty would permit, to encourage him to return. Dr. Womer said on parting that he would write X's father and advise him to send his son back next year. I did not have the conversation with X, but he did return the next year."

In the fall of 1918, upon the disbanding of the S. A. T. C. unit, after about half a term's residence, the President at a faculty meeting urged that full credits be given all S. A. T. C. students in courses in which they were registered, regardless of their class and examination record. In most cases, several teachers state, little or no work had been done. Dr. Womer gave as a reason for his proposal (as three professors mention in their testimony) that such action would cause the S. A. T. C. students to leave with a friendly feeling toward the college, which would be of great aid in his efforts to raise funds. The majority of the faculty opposed the President's recommendation, upon the obvious grounds. In meeting this opposition, Professor Harno testifies, Dr. Womer declared that he "would keep on insisting and if necessary take the matter before the Board of Trustees; and he added in effect: 'You do not have to go out over the state and raise funds as I do. It is easy for you to take this action, but I shall not allow these students to go from here unless they are given these credits.' He mentioned a case when the faculty had thoughtlessly taken some action in regard to some student in the past which had antagonized an influential man out in the state, and certain prospective funds were lost to the college." In fact, however, the

President did not persist in his demand, and a compromise was reached by which credits were given for the S. A. T. C. work only under the head of "Physical Training and Hygiene."

Beneath all the difficulties arising from the official acts or personal attitudes of President Womer lay the fact that the college possessed no semblance of a constitutional form of government. It was purely a government of men and not of laws. The President's powers were undefined, but apparently limited only by the necessity of securing the consent of the Board of Trustees; and it was not even clear how far this was necessary. President Womer's actions or his statements concerning his action, in certain of the cases already mentioned, were construed by some teachers to imply that he could dismiss a professor or a dean without consulting the Board or any one else. In any case, the Board, gratified at Dr. Womer's success in increasing the endowments of the college, seems to have troubled itself little about the internal affairs of the institution, and to have usually approved the President's recommendations automatically. The faculty, therefore, appeared to have no formulated or recognized rights which the President was bound to respect. The tenure of office of deans and of teachers of the several grades, the procedure to be followed in dismissal for cause, and the powers and responsibilities of the faculty as a body in relation to the educational policy or current educational activities of the institution, were all left undefined—or were subject to changing definition at the discretion of the President. Among men of our race, government of this type has seldom long continued, whether in large or small bodies, without arousing demands for the establishment of a constitutional and representative régime, or, if those demands are persistently disregarded, without breeding insurrection. Such a situation may, it is true, endure for some time if the holder of irresponsible power over others possesses also a high degree of tact, consideration and forbearance, and the skill in dealing with men which arises from insight into human nature. In the case of the small body politic of Washburn College these alleviations of autocracy were not present in sufficient measure to avert grave difficulties.

It is to be noted, however, that no open movement of protest among the faculty seems to have arisen directly out of these conditions. As in greater instances, economic causes precipitated the succession of events which presently led to efforts at constitu-

tional reform. In the autumn and winter of 1918, several informal conferences of heads of departments were held to consider calling the attention of the trustees to the insufficiency of the salaries paid the teaching staff. Professorial salaries at this time were \$1,600, and of this sum the recipients had pledged themselves to return \$100 as a contribution to the college funds. With the general increase of prices, the economic situation of many teachers in the college, especially those with growing families, had become desperate. It was decided to petition for an increase. At one of these meetings Dr. Kirkpatrick, in the words of one of his colleagues, "raised the question of a more liberal government and a larger faculty participation in the administration of the college; but these suggestions were ignored." Dr. Kirkpatrick, whose position as professor of Political Science made this aspect of the situation seem to him of especial significance, contended that the existing organization of the college was "undemocratic and irresponsible"; and he proposed that the following resolution be transmitted to the Board of Trustees:

"TO THE BOARD OF TRUSTEES, WASHBURN COLLEGE:

"The undersigned members of the faculty request that a committee of three trustees and three members of the faculty be appointed to consider such changes in the organization of the college as may be necessary in order to enable the faculty to share in the general policy-making of the institution."

Though this proposal was not adopted, Dr. Kirkpatrick's position and utterances at these meetings were presently reported to President Womer, apparently in the form of exaggerated gossip. About April 1, the President called Dr. Kirkpatrick to his office, and a conversation took place which was summarized by the latter as follows, in a letter written to Dr. Womer by him on April 15:

"PRES. P. P. WOMER,  
Washburn College.

"*Dear Sir:* I wish to know if I have understood you correctly as a result of our recent conversation with reference to my relations to the college. I understand that no complaint is made about my work in the college. On the contrary my work as a teacher is regarded as strong, growing stronger, and entirely satisfactory. I understood you that two members of the teachers'

committee, Dr. Lindsay and Judge Godard, desire my dismissal from the faculty, for reasons not given, and that Dean McEachron does not desire it.

"I understood you that you felt that I had antagonized you from the time of your coming to the college and that you seriously raised the question as to whether both could remain in the college. From what was said on this point, I was impressed that you were satisfied. Was I correct in this conclusion?

"I understood that there is a general charge that I have meddled with things that do not concern me, particularly that I led in the movement for a raise in faculty salaries and went directly to a member of the Board about this matter after it had been referred to the President; further, that at a meeting of a few members of the faculty called to consider the salary question, I stated that the Board and administration of the college as now organized was undemocratic and irresponsible, and that I then proposed a change in the organization, and that these acts on my part were seriously objected to.

"I understood that a certain unnamed member of the Board from out of town proposes at the next Board meeting to make certain unnamed charges against me and to move for my dismissal from the faculty.

"Will you please supplement and correct the above statement of complaints and charges? I desire to have the situation cleared up and will appreciate an early reply.

Sincerely,

J. E. KIRKPATRICK."

In a letter written to President Womer by Dr. Kirkpatrick after his dismissal, the following further details about this conversation are included:

"When you said that either you or I would have to leave the college because I was personally antagonizing you, I assured you that I had at no time desired your removal from the college and on the other hand I felt hopeful regarding your relations to the institution, as many of the faculty did not. You seemed assured on this point, but you were not satisfied with my act in presenting to a faculty group, which in midwinter time asked for a raise in salaries, a resolution asking for the faculty the right to share with the Board in the 'general policy-making of the institution.' This you called meddling with affairs that did not concern me and insisted that I was carrying on a propaganda."

President Womer, though his reply (given elsewhere in this report) to the last-cited letter expressly refers to the conversation

in question, takes no exception to Professor Kirkpatrick's summary of what occurred. It is evident, therefore, that at this time even the abortive proposal of a communication to the trustees requesting larger faculty participation in the government of the college seemed to President Womer an act of improper "meddling" on the part of a professor; in other words, that he was disposed to deny members of the faculty even the right of petition. In the course of the interview his attitude, it is also evident, changed somewhat. Professor Kirkpatrick nevertheless regarded his position as threatened, as is shown by the fact that on April 16 he wrote the Secretary of this Association, saying that an attempt to dismiss him might be made, and requesting "advice as to what procedure to ask for." He added:

"I have it in mind to suggest or ask for the following procedure, if charges against me are to be pushed: 'I do not care to hold my position in Washburn by the sufferance or favor of the Board or officers of the college. If any one of them feels that there are conditions which make my dismissal from the faculty necessary I desire a speedy and open hearing. Since the complaints come from the officers, they will not, of course, desire to act as judges. I will ask therefore for a committee jointly chosen. Since the charges concern the faculty and college constituency in general, they also have a right to know of the facts and to be heard in the matter. A decision thus fairly and openly arrived at will be satisfactory to me and I believe safe for the college.'"

Professor Kirkpatrick was, however, soon after reassured by the President with respect to the possibility of his dismissal. About the middle of April he was again called into the President's office. Dr. Kirkpatrick thus summarizes what followed:

"President Womer said he had decided not to take steps against me at the next Board meeting and that he would dissuade the out of town member who for reasons not given proposed to move for my dismissal, from so doing. I assured him that I did not care to hold my position by the sufferance of any member of the Board or by the favor of any officer. In this he said I was right. A short time later, and in connection with other matters, the President asked me why it was that he felt so much antagonism between himself and the faculty in session or in committee. I told him he had asked a very important question, and one that I wished time to answer, and after I had conferred with other members of the faculty. I suggested that he put the same ques-

tion to others but he thought best that I put it myself. The result was several letters to the President from the faculty group, one of which was written by me and included the article on 'The Why of Academic Unrest' (published in *School and Society* for July 12, 1919)."

In this article Dr. Kirkpatrick wrote, in part:

"Competent and careful inquiry has made it evident that a dangerous unrest exists in the faculties of all but a few of our American institutions of higher learning, and that in these few exceptional institutions the organization is much more democratic than usual. The presidency, as the center of college or university organization, is the office most criticized, being held responsible for existing evils.

"The American college presidency, in common with the American executive in general, tends to be greatly strengthened for the sake of making our democracy effective. Unlike the political executive, the college presidency is not only strong, but it is entirely irresponsible to those over whom it exercises authority. It is an office more analogous to the owner and manager of a department store than to that of a political executive. The office has been generally conceived of as that of a chancellor receiving his authority from above, rather than that of a premier receiving his warrant from the people he rules and depending wholly upon them for his tenure. An accident of history or a bungle of the law-makers has placed all legal and directing power in the hands of a collateral lay board devised as an aid to the college. This formal authority has been confused with the moral authority which from its nature must be with the college and which must center in the faculty of an institution. The administration of the average college is based on the theory that it is solely responsible to the legal and directing power. In fact it can function only as it rests upon and is approved by the moral power. No president can succeed without the loyalty of the faculty. Loyalty can not be commanded. It can be given only when the judgment consents.

"Either the board must become a House of Lords possessing only nominal power or it must become a House of Commons elected by the college and its constituency, thus making the president the responsible leader of the college rather than the agent of an irresponsible board. . . .

"The president in relation to the faculty may be no more than *primus inter pares*. He with each of the peers must be judged by the peers and by them alone in all matters that concern their work. He can have no other authority than that of his peers. Without such authority the *primus* is weak, though

he play the part of princeps. With such authority he has all the power of the *corpus parium*."

Professor Kirkpatrick thus replied to the President's question by raising, not a personal issue, but an issue of general principles touching college government and organization. It is manifest, however, that the conception of the presidential office expressed in his article was greatly at variance with that implied by the official acts of Dr. Womer; and that Dr. Kirkpatrick's suggestions concerning boards of trustees in general implied the desirability of a change in the manner of election of the Washburn College board—a proposal upon which a mainly self-perpetuating body accustomed to regard itself as responsible to no one in the exercise of its authority, was not altogether likely to look with favor.

Shortly after, Professor Kirkpatrick and four of his colleagues, Professors Fisk, Hefelbower, Hyde, and Todd, who had expressed views about college organization more or less similar to his, were invited by the President to meet with him and Dean McEachron, the Vice-President, to discuss certain proposals which they had previously, by Dr. Womer's request, submitted in writing. This invitation seemed at first to indicate a much more conciliatory attitude on the part of the President, and to be the expression of a commendable desire to learn fully the views of these professors and to arrive through conference at a good mutual understanding. When the meeting was held, however (on or about May 15), Dr. Womer's attitude was at the outset not irenic.\* He first read the suggestions drawn up at his request by the five professors. These were as follows:

"In response to the request of the President relative to the present situation in the college, the following suggestions are made:

"First, that there be created a faculty advisory or executive committee of five members, which shall be informed of and advise concerning all matters of interest to the college. This committee shall be elected by the faculty from those members who have

\* The Committee has before it reports and replies to questions concerning this conference from Messrs. Hefelbower, Hyde, Kirkpatrick, and Todd. Messrs. Womer and McEachron have declined to answer questions concerning it.

served five years on the teaching force or held a professorship for three years.

"Second, in order that the President may be relieved from the numerous details and the heavy overburden which are threatening his valuable services to the college, that the internal administration be handled by the dean and the faculty, and that all ordinary business be cared for by the proper administrative officers, subject in every case to the review of the President.

"Third, that the President and Board take the necessary steps to secure by the end of the present school year the election of a committee of eight members, two each from the trustees, alumni, faculty, and Congregational Conference, for the purpose of drafting and submitting plans for the college reorganization not later than the commencement of 1920. The proposals of this committee shall be submitted to each of the cooperating bodies and shall be in force when adopted by each and all of them."

President Womer, after reading these recommendations, "objected at length"—as Professor S. G. Hefelbower testifies, other witnesses agreeing—"to each one of them, after which he rather emphatically rejected them individually and collectively. One of the chief grounds of objection made by him was that this was an attempt to curtail his authority and especially to deprive him of 'leadership of the college life,' as he expressed it. He closed his formal remarks with a reference to the fact that Washburn depended for its financial support on business men, men of large financial interests, who would be quick to resent any appearance of 'Bolshevism' in the administration of the college." President Womer finally challenged the five professors to go with him before the Board of Trustees with their proposals, at the same time stating that he would resign if the proposals were accepted by the Board.\* This invitation the five professors declined; "they were not," Dr. Kirkpatrick remarks in his account of the meeting, "seeking to force a resignation from the President, and were men of ordinary common sense." At this point Dean McEachron spoke in favor of a modified form of the first of the

\*This is established not only by the testimony of three of the professors present, but also by the statement of Dr. Womer in a letter to an alumnus, Edwin A. Menninger, June 30, 1919: "When this movement was inaugurated and the propositions were submitted to me, I offered to give Professor Kirkpatrick and the professors associated with him a chance to go before the Board. I also offered to resign if the Board accepted their propositions, but the professors all refused this proposal."

three proposals, pointing out the desirability of having some recognized body which might be taken into consultation on such questions as belong to the "borderland" of problems purely administrative and those purely educational. President Womer's attitude thereupon altered materially; he spoke somewhat favorably of this suggestion, and agreed to take it and the general problem of reorganization under advisement. The conference then adjourned.

In recording this incident, the Committee thinks it necessary to add that exaggerated accounts of the suggestions of the five professors have subsequently been given currency by the President. In a letter to an alumnus who had protested against the dismissal of Dr. Kirkpatrick, the President justified the action taken on the following grounds: "What brought the matter to a climax was a movement by Professor Kirkpatrick that virtually takes all authority out of the hands of the Board of Trustees and makes the President of the college a mere figurehead, requiring him to raise the money and finance the institution, and take the responsibility, but gives him no part in the administration of the college."\* A similar statement was made by Dr. Womer to the chairman of this Committee in Topeka, July 3, 1919. The second of the professors' proposals was loosely drafted, and might possibly have been construed to have the meaning given it in these statements, if it had not been otherwise interpreted at the conference. In reply to interrogation by the Committee, Professor A. M. Hyde testifies as follows:

"What we had in mind in using the term 'internal administration' was discussed. The President asked us if we would wish to have anything to say as to how the building finances should be managed, loans negotiated, for example. That was a problem the Board had up just then, he said. We said that was in the province of the Board. It was recognized by us that there would be some difficulty in determining just what matters should come before a faculty cabinet or senate. The matter, however, was not discussed in detail. That should be a matter for later consideration."

Professor Kirkpatrick also denies that he or other members of the faculty ever proposed "to take virtually all authority out of

\* Letter to E. A. Menninger, June 30, 1919.

the hands of the Board of Trustees or to give the President 'no part in the administration of the college.' "

Shortly after his conference with the five professors, President Womer called a special meeting of the entire faculty of the College of Liberal Arts (June 2, 1919). He began by requesting that a resolution be adopted imposing upon members an obligation of secrecy with respect to what was said and done in the meeting. This was done. He also requested the Secretary to make a note of all present, saying in substance (the exact words are variously reported): "I want every one to be on record as to how he votes at this meeting." Dr. Womer then [extract from testimony of Dr. E. Leigh Mudge]

"stated that there had been a considerable amount of propaganda against him in the faculty, as well as against other faculty members. He expressed himself as determined that this propaganda should cease\* . . . The President stated that there were three possible lines of procedure which he might follow. He might, first, resign from the presidency of the college. Second, he might secure the dismissal of several members of the faculty who were chiefly responsible for the 'propaganda.' Third, the faculty and he might cooperate. As to the first line of procedure, he explained to us that he was of very great value to the college, that the trustees were so appreciative of this that they had placed insurance upon his life and had tried to get him to contract not to leave the college until they had carried through certain plans. He said his leaving would mean a loss to the college of \$125,000 or \$150,000, I am not sure which figure was used. He outlined a policy which he had announced on coming to Washburn, which was still being gradually carried out, and showed that part of this program had already been carried out. This program involved, among other things, the moving of the Law School to the campus, which has been accomplished during the past year, the erection of a dormitory building which it was planned to begin this summer, and other matters of material advancement; the last item was the raising of the salaries of the teaching staff. He explained that he was essential to the carrying out of this program.

\* Dr. Mudge comments upon this as follows: "So far as I know, there had been no such propaganda at this time. There had been differences of opinion and criticisms of policy, but nothing of which I know which could properly be called propaganda against the administration." Substantially the same details as to Dr. Womer's remarks at this meeting are given by other witnesses.

"As to the second possibility, obtaining the dismissal of faculty members, he said he believed the trustees would back him up in it, but added that if he were to do this he would never feel right about it as long as he lived. In order to secure the third possible solution of the problem, cooperation, he asked the faculty to discuss and join in recommending to the Board of Trustees a statement of policy which he read to us."

This statement was laid before the faculty in these terms:

"My policy for the college and for the faculty, so far as I have thought it out, is as follows:

"(1) A good stiff program of college enlargement that covers a period of years and in the carrying out of which the faculty shall cooperate.

"(2) Joint action of the administration and the faculty in developing college plans and shaping the college life.

"(3) The exercise of reasonable caution and adherence to worthy standards in making appointments to the faculty.

"(4) Reasonable efforts to secure permanence when appointments have been made.

"(5) The dismissal of faculty members only for cause, and adequate provisions to safeguard them against wilful and capricious action."

The President then asked that every member of the faculty present should vote upon these proposals, as a "test of willingness to support and cooperate in the policies of the administration." It was objected, however, that the meaning of some of the proposals was not clear, and that it would be better to give members time to think them over before voting. The faculty accordingly adjourned to meet again five days later.

At the adjourned meeting, June 7, 1919, a resolution expressing confidence in the President and a desire to cooperate in his policies was presented by Dr. Fisk. It read as follows:

"The faculty of Washburn College wishes to record its hearty sympathy with President Womer's desire expressed at the last faculty meeting for closer cooperation between the Faculty and Administration in matters pertaining to the future welfare of the college, and to assure him of its readiness to enter wholeheartedly into such cooperation.

"The faculty especially desires to put on record its deep appreciation of President Womer's devotion to the great task of up-building Washburn, and we not only approve any policy of en-

largement consistent with the resources and normal growth of the college, but we pledge our cooperation in this effort.

"We also approve the President's purpose to constitute a committee of the President, the Deans, and members elected from the faculty of the College of Liberal Arts, for the purpose of advising with the administration concerning all questions involving the academic interests of the institution.

"We also look with satisfaction and anticipation to the movement inaugurated by the President which we hope will result in the deliberate and painstaking formulation of a constitution that will more adequately meet the enlarged needs of the college and be in closer harmony with the democratic spirit and experience of our best American schools."

The President gave unqualified approval to this statement, and it was thereupon unanimously adopted by the faculty.

It will be seen that the President had by this time adopted, in a modified form, the first and third of the proposals of the five professors with whom he had previously consulted. At this meeting of June 7 it was further agreed that the elective members of the "faculty cabinet" or "advisory committee" should be two in number. President Womer defined the functions to be exercised by this committee; it was, as numerous members of the faculty testify that he stated, to advise him on all matters of educational interest to the college, including the appointment and dismissal of members of the faculty. When nominations for the elective positions on this committee were called for, Professor Kirkpatrick suggested that the election be deferred until the autumn. President Womer replied that he would like the committee to be formed at once, as he had "matters which he might wish to bring before it during the summer." Professors Hefebower and Twiss were thereupon elected as the faculty's representatives on the committee.

Thus, as the college year neared its close, there seemed to have been established a new feeling of mutual confidence between President and faculty; some recognition of faculty responsibility in the government of the college had been obtained; and members of the faculty had received assurance, in the President's words, of "dismissal only for cause," and of "adequate provisions to safeguard them against wilful and capricious action." This safeguard had been given definite form in the creation of a partially elective faculty committee with which the President had

agreed to consult in all cases which might involve dismissal. A new era of cordial cooperation, based upon a system of orderly and constitutional government, seemed about to begin in Washburn College.

Four days later Professor Kirkpatrick was summarily dismissed.

### III. FINDINGS UPON CHARGES AGAINST THE PRESIDENT AND TRUSTEES IN RELATION TO THE DISMISSAL OF PROFESSOR KIRKPATRICK

In this section of its report the Committee will examine into the specific charges brought against the President and trustees of Washburn College with respect to the manner and causes of the dismissal of Dr. Kirkpatrick.

#### *First Charge: Improper Procedure in Dismissal.*

It is not denied by the administrative authorities of the college that Dr. Kirkpatrick received no notice that the question of his dismissal would come before the Board of Trustees at its meeting of June 11. It is a matter of official record that he was notified of dismissal without having received a hearing or other opportunity to reply to allegations against him made before the Board or to its members; and it is established by the inquiries of the chairman of this Committee while in Topeka that Dr. Kirkpatrick was still in ignorance, some time after the dismissal, of certain of the allegations made. The minute of the Secretary of the Board recording the action taken, which was communicated to Dr. Kirkpatrick, indicates that the dismissal was unconditional. Professor Kirkpatrick, however, states: "On June 14, President Womer asked me to come to his office just as I was ready to leave town for the summer, and told me that the Board at its meeting of June 11 had asked for my resignation. He wished to discuss the matter and to name the terms or conditions on which I might remain. I did not desire them or the discussion, saying that the matter concerned others as well as myself.\* At this remark he warned me to be careful or I would get into trouble." After consultation with friends, Dr. Kirkpatrick on the following day

\* Another statement of Professor Kirkpatrick's shows that he made it evident to the President that he meant by this a reference of the matter to the faculty.

wrote the President, recalling their conversations of the previous April, and concluding:

"After this personal promise, and your pledge to the faculty that no action for removal of a faculty member would be taken in the future without consent of the new cabinet created by the faculty on June 7, the action of the Board asking for my resignation comes without explanation. Your responsibility for the action is plain from your remark to me last Saturday that there were certain conditions, which I did not desire to hear, upon which I might remain, and also from your frequent remark that the Board always does as you desire.

"When I have been notified as to what the charges against me are and who makes them, I desire that they be submitted, as per your above mentioned consent, to an impartial board constituted and governed by the rules laid down for such cases by the American Association of University Professors.

Respectfully,

J. E. KIRKPATRICK."

Professor Womer replied by a letter (June 16) giving a "statement of reasons" for the dismissal (cited elsewhere in this report), and ending as follows:

"The Board, therefore, respectfully requests your resignation from the faculty, failing in which you must consider yourself dismissed. In order that no injustice may be done you, the Board has instructed me to advise with you in regard to the continuance of your salary for a limited period." \*

At this date, therefore, the dismissal had been made formal and absolute by the foregoing letter from the President, which contained also a tacit refusal of Dr. Kirkpatrick's request for a submission of any charges against him "to an impartial board constituted and governed by the rules laid down for such cases" by this Association. The first requirements of those rules, as stated in previous reports of Committee A, are either a hearing before a judicial committee of the faculty, or equal faculty representation in the trial board, and the presentation to the professor concerned of a written statement of specific charges, in advance of the hearing. The President also refused the request of eleven

\* Professor Kirkpatrick states to the Committee that the financial obligation officially recognized in this letter has never been discharged, though several letters concerning it have been addressed by him to the President and Trustees.

members of the faculty that the faculty advisory committee be consulted before the dismissal was consummated.

President Womer, in letters to the chairman of this Committee (September 17 and October 3) has replied to the charge that Dr. Kirkpatrick was dismissed "without stated charges or a hearing," by asserting that a "written statement was given to Professor Kirkpatrick charging him with being a 'trouble-maker,'" and that "the question of his dismissal had been acute for a considerable period, and he was well aware of it." On these assertions of the President's the Committee notes: (a) that the only written statement of this kind of which the Committee finds evidence was given to Dr. Kirkpatrick after his dismissal, not before; (b) that on or about April 15, by the published and uncontradicted testimony of Dr. Kirkpatrick, the President assured him that "he [Dr. Womer] had decided not to take steps against [him] at the next meeting of the Board and that he would dissuade the out-of-town member who for reasons not given proposed to move for [Dr. Kirkpatrick's] dismissal from so doing"; (c) that by the published and uncontradicted testimony of Dr. Kirkpatrick, no further intimation was received by him that his dismissal was under consideration until after it had been accomplished; (d) that Dr. Kirkpatrick testifies that, after his conversations with the President in April and the creation of the new faculty cabinet, he believed himself to "have full assurance that nothing of the kind was possible." The Committee finds, therefore, not only that Dr. Kirkpatrick received no warning that action against him was contemplated in June, 1919, but that he had received special assurances from President Womer which made it peculiarly obligatory upon that officer to see to it that no such action should be taken without fair notice to the professor in question.

The injustice and impropriety of the procedure thus followed in this dismissal it would be superfluous for the Committee to point out.

On June 21, after having, a week earlier, been formally and unconditionally dismissed, Dr. Kirkpatrick was offered by the President a hearing before the Board of Trustees. Dr. Kirkpatrick declined to accept a hearing of the kind offered, for reasons which, in reply to the Committee's question, he states as follows (October 2, 1919):

"1. It was not stated or hinted that if I met charges successfully I would be reinstated. President Womer did suggest that as the hearing would be before the entire Board it would be fair because some of the out of town members did not know anything about it and had not made up their minds. If President Womer considered it a reopening of the case he did not so state.

"2. There was no promise at this or any time that the faculty advisory committee would be consulted. On the contrary a petition signed by eleven members of the faculty within a few days of the dismissal asking that the new committee be consulted, was not granted.

"3. President Womer did not state at the time he proposed the hearing before the Board what charges I would have to meet, and I do not remember that any thing was said about when charges would be presented to me.

"4. I declined the hearing before the Board because I was convinced that the majority of them had already made up their minds in the matter. I had already been informed by Mr. Godard that while he had not favored or known of the movement it would have to stand. Through friends I had similar reports from other members of the Board.

"5. I felt also that a precedent was being established and that we should stand for the recommendations of the American Association of University Professors. . . . I also stated that I would consent to no hearing less favorable than that suggested by the Association."

The second and fifth of these reasons, irrespective of the merits of the others, seem to the Committee wholly to justify Dr. Kirkpatrick in refusing the proposed hearing before the Board. He was bound by ordinary loyalty to his faculty colleagues to consent to no form of procedure which ignored the recently constituted faculty committee. He had previously requested a judicial hearing in accord with the principles approved by this Association; such hearing had already been refused him, and no hearing in accordance with these principles was now or at any time offered him. The Committee also deems it somewhat contrary to the usual Anglo-Saxon conceptions of sound and equitable procedure that sentence should first be pronounced by a tribunal, without a hearing or knowledge by the accused that he is under indictment, and the trial of the case should be conducted subsequently and before the same tribunal.

*Second Charge: Breach of Faith by President Womer in Failing to Consult the Faculty Cabinet.*

On June 20, 1920, seven members of the faculty—Professors Towne, Hyde, Todd, Harno, Mudge, Kingman, and Newsom—together with Dr. Kirkpatrick charged in a communication to the Board of Trustees that President Womer had committed a breach of faith, in that the question of Dr. Kirkpatrick's dismissal had not first been brought by the President before the faculty cabinet, which he had on June 7 agreed to consult upon all appointments and dismissals.

The Committee quotes in full the replies of President Womer to this charge, contained in letters to the chairman:

"You have certainly been misled in regard to this faculty committee. The minutes show that this committee was authorized at the same meeting of the Board which dismissed Professor Kirkpatrick, that it was not to go into effect until the opening of the school year, that it is simply an advisory committee to the President, that it has no judicial prerogatives whatever. In creating this committee, it never occurred to our Board that it implied any limitation upon the prerogatives of the Board to dismiss a recalcitrant member of the faculty or that it imposed any obligation on the Board to consult this committee. As a matter of fact, the other members of the faculty, outside the insurgent group did not understand that this committee had any judicial powers."

In another letter (September 17), President Womer writes that "the faculty advisory committee was advisory only to the President, that it placed no restriction whatever upon the Board, that the initiative in dismissing Professor Kirkpatrick was taken not by the President but by the Board, and furthermore that said committee did not begin to function until September 8th, three months after Professor Kirkpatrick's dismissal."

The Committee will take up separately the four essential points in this defense by Dr. Womer:

(a) The faculty committee had "no judicial prerogatives," and "the other members of the faculty, outside the insurgent group, did not understand that the committee had any judicial powers."—What Dr. Womer understands by "judicial prerogatives" is uncertain; what is fully established by the evidence is that the

President had in writing promised the members of his faculty "adequate safeguards against wilful and capricious action" in dismissals—which was generally understood to mean new safeguards; and that in pursuance of this promise he had, four days previously, agreed to the creation of a "faculty cabinet" and had announced to the assembled faculty that he would consult this "cabinet" upon questions of dismissal. That he specifically so stated is affirmed by thirteen members of the faculty—Messrs. Gunthorp, Harno, Hefelbower, Hyde, Kirkpatrick, Mudge, Scamell, Todd, Towne, Miss Kingman, Miss Leavitt, Mrs. Newsom, and another who does not permit publication of his name; and Professor Wheeler, Secretary of the Faculty, while declining to testify as to what was said at the meeting, states that "the faculty generally went out of that meeting in June in the belief that no action of the President and trustees on matters like the dismissal of any faculty members could be taken without the cabinet were called together for consultation and action in an 'advisory' way—not for final action." No contrary testimony on this point has been received from any member of the faculty.

(b) "The committee was simply advisory."—This is true but not germane to the charge, which is that Dr. Kirkpatrick was dismissed without the committee's having any opportunity to advise about the matter. No one has denied the legal power of the Board to take final action. What has been denied is the moral right of the President, in view of definite assurances he had given the faculty, to be a party to the dismissal without consulting the committee.

(c) "The initiative in dismissing Professor Kirkpatrick was taken not by the President but by the Board."—The Committee of Inquiry has evidence from no other source upon this point. It notes, however, that Dr. Womer does not state that the Board took this action over his protest; and it regards it as certain, especially in view of his hold upon the Board's confidence, that if he had informed the trustees that he felt in honor bound to consult the faculty committee before making any recommendation with respect to the dismissal of Professor Kirkpatrick, the Board would have respected his scruple. No president should retain office if a board insists upon summarily dismissing a professor without hearing the president's recommendation, or refuses him time to consult his advisors about the matter. It is

not asserted by any one, and is not believed by your Committee, that the trustees in this instance denied the ordinary prerogatives of his office to President Womer.

(d) "The minutes show that this committee was not to go into effect until the opening of the school year. . . . Said committee did not begin to function until September 8, three months after Professor Kirkpatrick's dismissal."—Twelve members of the faculty have testified that at the faculty meeting of June 7 the President definitely declared, in reply to an inquiry, that he wished the advisory committee to be elected at once, as he had matters "which he might wish to bring before it during the summer"; and that it was because of this statement of the President's that the committee was immediately constituted. One professor writes, "I certainly thought then, as seemingly all those present thought, that this committee was to function from that hour." One of the twelve whose testimony has been referred to and one other state that their understanding was that the committee's functions would begin immediately after, but not before, the June meeting of the Board of Trustees, at which the creation of such a committee was approved; and in this connection Professor R. E. Scamell makes the following remarks, apparently in justification of the action taken by the administrative authorities:

"This cabinet was elected at the last meeting of that year, in order that it might be of service for any necessary business at the beginning of the coming scholastic year. This would make it possible for the cabinet to act on any matters subsequent to the adjourning of the Board of Trustees in June, 1919. The Kirkpatrick dismissal was ordered by the Board of Trustees before the adjourning of their June, 1919, meeting."

A similar argument is intimated in a statement of Dr. Womer already quoted. The resort to such a technicality as a defense against this charge seems to the Committee of Inquiry an aggravation of the offense charged. While the faculty cabinet doubtless could not begin to act until after the Board meeting of June 11, it was known to both the President and the Board that such a faculty body was immediately to be established, and, at least to the President, that its establishment had already been promised the faculty by him. If, in these circumstances, either the President or Board deliberately adopted the device

of dismissing Dr. Kirkpatrick first, and later at the same meeting creating a committee to be consulted on questions of dismissal, it is evident that such action could be characterized only as a piece of cynical irony. Whether this technicality was consciously employed at the time or was only an afterthought, this Committee has no means of judging.

Two witnesses report an understanding of the matter differing from that of the thirteen professors whose testimony on this point has been mentioned; but neither is willing to testify categorically. Prof. E. D. Schoenberger states: "As I understood it, this committee was to begin functioning at the beginning of the school year, 1919-20. This latter impression I might have received subsequently to the said meeting, and I should not wish to have it considered final." Professor W. A. Harshbarger writes: "As I understood it, the committee did not become active until the following year. It is our custom to name our committees for the next year at the last faculty meeting of the closing year. While nothing was said to that effect, I so understood this action." In consideration of the mass of testimony conflicting with this statement, the Committee feels obliged to conclude that Professor Harshbarger failed to hear the statement of the President at the June 7 faculty meeting to the effect that he desired to have the faculty cabinet constituted immediately so that it could act during the summer. The Committee likewise believes that Professor Schoenberger is correct in his surmise that he received the impression he mentions subsequently to the meeting of June 7.

In view of the evidence, then, the Committee of Inquiry is compelled to regard Dr. Womer's reply to this charge as evasive and misleading; and it finds that in this matter he was guilty of a grave breach of faith, not only with Dr. Kirkpatrick, but with the entire faculty. The appointment of the new committee had been the principal result of a prolonged discussion, and the most significant feature of certain reforms to which the President himself had appeared to attach great importance; and his statements at the meetings of June 2 and 7 were such as to justify all present in believing that no further dismissals would take place with the President's consent, except after consultation with the faculty committee. The faculty had no reason to

place confidence in any subsequent assurances which President Womer might give them, after his conduct in this instance.\*

*Third Charge: Acceptance by President and Trustees of False or Trivial Charges Against Dr. Kirkpatrick as Grounds for Dismissal.*

Statements made by the college authorities to the chairman of this Committee and letters written to him show that three specific allegations (in addition to that examined under the "Fourth Charge") against Dr. Kirkpatrick were made to the Board, or to members of it, and were among the principal reasons subsequently offered by the chairman of the Board's committee and by the President in justification of the dismissal.

1. It was stated to the Board by one of its members that at the recent meeting of the Congregational Conference, Professor Kirkpatrick had officiously and improperly attempted to influence the nominating committee not to renominate Dr. L. C. Schnacke, a member of the Board then in office through nomination by the Conference. That this allegation had much impressed the minds of some of the Board was—in the opinion of the chairman of your Committee, who testifies to that effect—clear from statements made to him in Topeka. With regard to what actually occurred at the conference the Committee has before it the testimony of Dr. Kirkpatrick himself, of Professor Wheeler, Secretary of the Conference, and of Rev. Wm. I. Jones, a member of the nominating committee. Mr. Jones's statement follows:

**"TO WHOM IT MAY CONCERN:**

"This is to say that while at the Kansas Congregational Conference at Emporia as a member of the Conference nominating committee I had conversation with Professor J. E. Kirkpatrick concerning the nomination of the Washburn College Board of Trustees. My first conversation with him on the subject was due to the fact that I was Conference visitor to Washburn College, and I had already become aware of a faculty dissatisfaction with the method of administration. Dr. Kirkpatrick made the suggestion in the course of the conversation that the Congrega-

\* It is also the opinion of the Committee of Inquiry that this breach of faith by Dr. Womer absolved members of the faculty from any obligation to secrecy with respect to the action taken at the meetings of June 2 and 7.

tional Secretary of Religious Education for Kansas, Rev. Fred Grey, was a logical man for membership on the Washburn Board of Trustees to represent the Conference. I asked who would be displaced by his nomination, and Dr. Kirkpatrick did not know. Later when I was appointed to the nominating committee I told Dr. Kirkpatrick that I would suggest Mr. Grey's name, and again asked him for information as to who would be displaced. He did not know, but thought it was Mr. Guild, of Topeka. Inquiry was made of Dr. Womer, and he also thought it was Mr. Guild. I then myself made reference to the Conference minutes and to the catalog of Washburn College and discovered that it was Mr. Schnacke. When I told Dr. Kirkpatrick this he remarked that he feared that President Womer would insist that Schnacke was indispensable to him on the Board and that, therefore, it might be difficult to get Grey on. But I felt that our nominating committee should be more than perfunctory in its work, and should at least consider the possibility of naming another man than Schnacke. The reasons advanced by me at the committee meeting were not suggested to me by any one else.

"Dr. Kirkpatrick did not urge that Dr. Schnacke be not recommended. He was not present at any of the meetings of the committee while I was present, and I do not know that the committee met without me at any time. Dr. Kirkpatrick did not seem to me to be improperly active in this matter. His recommendation of Rev. Fred Grey was without prejudice to the man who would be displaced, because he seemed ignorant of him.

"This is to the best of my recollection all that transpired on this matter at Emporia.

Sincerely yours,

WM. I. JONES,

*Pastor First Congregational Church, Manhattan, Kansas."*

Professor Kirkpatrick submits a deposition, of date of July 25, 1919, as follows:

"I was a delegate to the May, 1919, meeting of the Congregational Conference at Emporia. I discussed the nomination of the one member of the Washburn Board which was to be made by the body with Rev. Wm. I. Jones of Manhattan. Neither of us knew whose term expired and there was no committee on nominations at that time. Later Mr. Jones was elected to this committee and came to me and said that L. C. Schnacke was up for renomination. I assured him that it would be a mortal offense to Schnacke and the Board not to renominate him. I did not advise that he be dropped, did not see any other member of the nominating committee, and left the meeting before I knew the decision of the committee and the Conference, which re-

nominated Schnacke. Later President Womer complained to Professor Wheeler, Registrar of the Conference, about this matter. After advising with me, Professor Wheeler told Womer my version of the story."

Professor Wheeler's testimony as to Dr. Kirkpatrick's action at Emporia confirms the foregoing, and adds that he (Mr. Wheeler), at the suggestion of President Womer, proposed to the nominating committee the renomination of Dr. Schnacke.

Upon this matter it is sufficient for the Committee to remark: (a) that the evidence shows that Dr. Kirkpatrick did not do what was charged; (b) that if he had done so, he would have been entirely within his rights and responsibilities as a regular member of the Conference; (c) that another professor did, equally properly, propose a candidate for nomination to the Board, with Dr. Womer's approval. The incident is chiefly significant as showing that, as conceived by President Womer and the Board, improper meddling by a professor who was also a member of the Conference consisted, not in making suggestions with respect to the election of a Board member, but in making suggestions thereon which conflicted with the wishes of the President and of a member of the Board. What, the Committee finds, is proved is an improper attempt on the part of the President and Board to punish a duly elected member of the Congregational Conference, who happened also to be a member of the college faculty, for discharging his duties to the Conference in accordance with his own conscience and judgment.

2. In stating the reasons for the dismissal to the chairman of this Committee, President Womer gave especial prominence to the allegation that, some years before, when a campaign for funds for the college was about to be launched in Topeka, Dr. Kirkpatrick, learning that certain forms of gambling were permitted at the State Fair then being held, had threatened the directors of the Fair, prominent business men, with prosecution unless they put an end to these practices. The gravamen of this complaint, as stated by Dr. Womer, was that Dr. Kirkpatrick had acted without first consulting the President, and that the tendency of his action was unfavorable to the campaign for subscriptions.

With respect to this allegation, Dr. Kirkpatrick testifies under oath as follows:

"In the fall of 1915, September, I heard several reports of children buying options at the State Fair Grounds on hams and other valuables. Some of my neighbors mentioned the matter to me, and I called up the County Attorney, Mr. Atchison, and asked him what he knew about it and if he would investigate. It seems that Atchison reported the matter to the fair management and that the management complained to the President. The President reported the matter to me and said that he expected—he was just on the field at that time—that in all such matters the Faculty was to report to him. I did not threaten the fair management with prosecution."

Professor Wheeler replies to a question from the Committee as follows:

"I did not know of the incident at the time as associated with Dr. Kirkpatrick. But later my old Yale friend, Assistant Attorney Hawkes, called upon me to inform me of the full incident, for he learned that the President and Secretary of the Fair had said they would make Washburn College feel financial losses if the professors meddled. Hawkes was informed of the gambling and at once took it up and stopped it. This caused the Fair President to object. . . . Mr. Hawkes wished me to tell Dean McEachron, or at least see that the College authorities understood, that he was the actor, not Kirkpatrick."

In respect to this charge, the Committee finds that the action of Professor Kirkpatrick in the matter in question was entirely legitimate; and that a false version of his action was accepted by the President, and was given currency by him after he had received good reasons for believing it false. Here, also, the Committee is compelled to regard the making of the complaint as a self-indictment of the President. What is disclosed is an attempt by him to interfere with the discharge by a professor of his civic duty of notifying the proper public officer of a violation of law—the President's interference being at the instance of persons charged with complicity in the violation, and the motive for the interference being a fear that these persons would, in resentment, refuse to contribute to the college funds. The President also laid down a general rule that members of the faculty must

receive his special permission before bringing infractions of law to the notice of the State's Attorney, lest potential contributors might be offended thereby. In short, Dr. Womer was willing to gain pecuniary support for the college at the cost of the standards of citizenship, and of one of the ordinary civil rights, of members of the faculty.

3. In his statement of the reasons for the dismissal given to the chairman of this Committee President Womer also made much of the charge that, after a petition for increased salaries had been presented to him by representatives of the faculty, and he had stated his position thereon, Dr. Kirkpatrick "went over the President's head" and took up the question directly "with members of the Board of Trustees." Dr. Kirkpatrick deposes as follows with regard to this charge:

"After the salary matter had been referred to the President in the spring of this year (1919), I spoke casually with only one member of the Board, Dr. Charles M. Sheldon, my near neighbor and pastor, about it. I did not urge him to push the matter, as I was not especially interested, but did give him copies of reports we had gathered from other schools relative to salary increase, and, I think at his request, had copies of these reports made."

Dr. Sheldon\* writes the chairman as follows:

"CENTRAL CONGREGATIONAL CHURCH,  
TOPEKA, KANSAS, OCT. 20, 1919.

*"My dear Mr. Lovejoy:*

"This matter of Professor Kirkpatrick's has been delayed on account of my illness. I am not out of hospital, and cannot answer in any detail. In general there never seemed any impropriety in Dr. Kirkpatrick's conversations with me concerning his salary or anything else about his standing in the college. I have always conceded the right of the teacher to a voice in the general administration of a college. If I were a teacher in a college at the present time I would go on a strike for a number of things.

Very truly yours,

CHARLES M. SHELDON."

\* Dr. Sheldon was seriously ill at the time of the June meeting of the Board of Trustees and had no part in the dismissal of Professor Kirkpatrick.

With respect to the declaration of Dr. Kirkpatrick in his sworn statement, President Womer writes to the chairman:

"The fact is, however, that my reasons for not immediately granting the request for a raise of salaries, and my promise to the faculty that I would take the matter of salaries up as soon as we secured our settlement with the government in regard to the S. A. T. C. matter, were not reported to this member of the Board. The further fact is that this member of the Board was given full information with regard to the higher salaries paid by certain other institutions, and was not at the same time informed that the endowment of those institutions is immensely superior to the endowment at Washburn. The further fact is that the representations of Professor Kirkpatrick to this member of the Board resulted in a movement to carry the salary matter over the head of the President."

The Committee conceives that no comment on this reply of President Womer's is needful. In this third instance it is clear that the action of Dr. Kirkpatrick of which complaint was made was entirely legitimate; but the laying of a charge upon such grounds throws much light upon Dr. Womer's conception of the rights of professors (and of trustees) in Washburn College. Casual conversation about the question of salaries between a professor and his pastor, neighbor and personal friend, who was also a trustee, as a result of which conversation the trustee received from the professor information as to the movements for increasing salaries in progress in other colleges—this was looked upon by Dr. Womer as an offense so grave as to constitute one of the principal grounds justifying dismissal.

*Fourth Charge: Dismissal Largely Due to Resentment over Dr. Kirkpatrick's Efforts to Bring about Changes in the Form of Government of the College.*

This, as the Committee has remarked in the introductory section of this report, is the most significant of the charges brought against the administrative authorities of the college. The charge, it will be noted, relates to the motives of those authorities in taking the action which they did on June 11, 1919. The only evidence, therefore, which the Committee has considered competent, with respect to this charge, consists in statements of President Womer, setting forth the principal reasons which moved the Board, with his approval, to dismiss Professor Kirkpatrick.

1. The most important of these is the letter of the President to Professor Kirkpatrick of June 16, which is the only official statement of the grounds for his removal received by the latter. The letter, with the exception of the two concluding sentences concerning the payment of salary (already cited in connection with another charge) is as follows:

*"My dear Professor Kirkpatrick:*

"In reply to your request for a statement of reasons for the action of the Board of Trustees requesting your resignation from the Faculty of Washburn College, please permit me to say that you can hardly be unaware of these reasons, since I discussed them with you a few months back, and advised you that such action might be taken. Stated briefly, the Board feels that the severance of your connection with the college is absolutely necessary in the interest of harmony and effective cooperation between the various groups that make up the college—trustees, administration, faculty, alumni, and constituents.

"For a period of years your actions have been such that the relationships between these various groups, in one way or another, have been seriously disturbed. The administration in particular has been at times very greatly embarrassed by your actions, and various plans of far-reaching importance for the development of the college life have been seriously jeopardized. So serious, in fact, have been the results of your behavior in this respect that several times the members of the Board of Trustees have discussed the advisability of asking you to resign from the faculty. The only reason that such action has not been taken was the hope cherished by a few of us that as time went on you might be able to adapt yourself more perfectly to the college life.

"The various agitations, however, among the faculty members that have occurred this year, and in which you have had such a prominent part, make it very clear to the board that as long as you are with the college the peace of the college will be disturbed.

"The Board, therefore, respectfully requests your resignation from the faculty, failing in which, you must consider yourself dismissed. . . .

Very respectfully yours,

(Signed) P. P. WOMER."

This letter clearly states that (a) the reasons for the dismissal in June were the same as those mentioned to Dr. Kirkpatrick "some months" previously (*i.e.*, in April) as having caused his dismissal to be considered at that time; (b) that the general complaint against him was that his connection with the college was not conducive to "harmonious and effective cooperation," etc.;

(c) that it was "the administration in particular" which had been especially embarrassed by his actions; (d) that the immediate cause of the dismissal consisted in "the various agitations among the faculty members that have occurred this year," in which he had had a prominent part.

The only "agitations" among the faculty during 1918-19 in which Dr. Kirkpatrick had had a part, up to April, 1919, were two. One of these was the agitation for increase of salaries. His relation to this has already been set forth. It is clear, as already indicated, that the President keenly resented Dr. Kirkpatrick's having conversed with a trustee on this subject, and that this was one of the "agitations" which caused the dismissal. Dr. Kirkpatrick, however, had not been the most active member of the faculty in this matter. He had been the most active in proposing certain changes in the form of government of the college. Two letters by him giving an account of his conversations with the President in April concerning his position in the college have already been cited (p. 79). The Committee recalls that in one of these letters Dr. Kirkpatrick writes: "You [Dr. Womer] seemed assured on this point [personal antagonism], but you were not satisfied with my act in presenting to a faculty group which, in midwinter time, asked for a raise in salaries, a resolution asking for the faculty a right to share in 'the general policy-making of the institution.' This you called meddling with affairs that did not concern me and insisted that I was carrying on a propaganda." Also, in his letter of April 15, Dr. Kirkpatrick states that the President told him that he had been charged with declaring that "the Board and administration of the college, as now organized, was undemocratic and irresponsible," and with proposing "a change in the organization"; and that "these acts were seriously objected to." These statements, which have been made public by Dr. Kirkpatrick, were not challenged by President Womer in his letter of June 15. The Committee finds, then, from evidence furnished by Dr. Womer himself, that one of the principal motives of the dismissal in June was objection to the species of "meddling" with which Dr. Kirkpatrick had been charged by the President in April; and it further finds that this so-called "meddling" consisted chiefly in proposing changes in the form of government of the college giving the faculty greater powers.

2. This conclusion is confirmed by President Womer's letter of June 30 to an alumnus, Mr. Edwin A. Menninger, written in explanation of the dismissal; it contains the following statements:

"What brought the matter to a climax was a movement by Dr. Kirkpatrick that virtually takes all authority out of the hands of the Board of Trustees and makes the President of the college a mere figurehead, requiring him to raise the money and finance the institution, but gives him no part in the administration of the college."

As has already been noted, this is an exaggerated account of the proposals of Dr. Kirkpatrick and four of his colleagues; but it expressly describes the "movement by Dr. Kirkpatrick" which led to these proposals as having "brought the matter to a climax."

3. A further official statement of the causes of the dismissal was given by President Womer to Rev. J. L. Read, a Congregational clergyman, who had written to protest against the action of the Board of Trustees. The letter, which is of date of September 9, 1919, is given in full, but the Committee has italicized the statement bearing especially upon the present charge. It need hardly be stated, in view of evidence already presented, that, in its references to the procedure followed, the letter is both evasive of the real issues and highly misleading:

*"My dear Mr. Read:*

"Permit me to acknowledge receipt of your rather surprising letter of recent date. It is evident that you are not informed as to the facts of Professor Kirkpatrick's dismissal.

"They are, in brief, the dismissal was effected by our Board of Trustees, the only authority that has the legal right to dismiss a teacher. The reasons for his dismissal were frankly stated to Professor Kirkpatrick, and the Board offered to give him a hearing. He was not willing to accept the hearing because he was not willing to face the Board. Professor Kirkpatrick's claim that he was not offered a hearing is nothing more than a pretense.

"As to the evidence in the case it is ample and conclusive. We have not given this to the public because we have not thought that it would accomplish any good to do so. The management of Washburn College has been intrusted for the time being to a group of twenty-five representative men. These men all say that the evidence against Professor Kirkpatrick is conclusive. Surely their judgment ought to count for something with the public.

"Another fact that you need to consider is that the case against

Professor Kirkpatrick is by no means new. It has been before the Board again and again. Nothing decisive has been done simply because I have interceded in his behalf, but *towards the closing part of last year his actions were such that the good of the institution demanded that some action be taken.*

"Speaking of one's best self, my belief is that if you give your own best self a chance to speak, you will refrain in the future from making such sweeping accusations as you have made in your letter without knowing more of the facts. If you happen to be in Topeka in the near future, I suggest that you come to the college office and I will be glad to tell you a number of things about this case that you evidently have not learned.

Very sincerely yours,

(Signed) P. P. WOMER."

4. In a letter of June 24, 1919, to an alumnus, Mr. D. M. Cowgill, President Womer wrote:

"The fact is that you boys have scarcely a glimmer of what lies behind this affair of Professor Kirkpatrick. The case against the Professor has been developing for seven or eight years and for more than a year I have kept the trustees from taking action. Recent happenings have made it impossible that there should be any further delay. Twenty-five business and professional men, seven of whom are graduates of the college, have considered the case, and they have decided that Professor Kirkpatrick must leave the college. This morning I asked this body of men to give Professor Kirkpatrick another hearing, and they have consented to do it. I have no doubt, however, but what the former action will be sustained."

In a subsequent letter (June 30), Dr. Womer wrote:

"The trustees of the college are handling the case, and they have offered Professor Kirkpatrick a full and fair hearing. Until that hearing is over I cannot go into details about the situation, except to say that this movement that is being led by Professor Kirkpatrick is one of the most revolutionary that has ever struck our college. The evidence in the case is complete, and when you return I will be very glad to go over it with you."\*

\* With reference to certain statements in these letters Professor Kirkpatrick deposes: (a) that the offer of a "hearing" before the Board was made to him on June 21, and was definitely declined by him on that date; (b) that the meeting of the Board at which the proposed hearing was to take place was held on June 21; (c) that no other notice that the Board had voted to give him a hearing was at any time given him. It is therefore not the fact that on June 30 a hearing of Dr. Kirkpatrick's case by the Board was pending. Dr. Kirkpatrick also declares it to be untrue that there was a full attendance of the Board (twenty-four members) at the meeting at which he was dismissed.

The Committee, then, finds it to be shown by President Womer's official statements, when they are compared with one another, that Dr. Kirkpatrick's part in certain so-called "agitations" among the members of the faculty in 1919 was among the principal causes of his dismissal; and that these "agitations" included (1) his conversations with a trustee, Dr. Sheldon, on the salary question; (2) his proposal of a more representative form of college organization and government. These, and his action at the Congregational Conference, which had been falsely reported to the Board, constitute the acts occurring in the academic year preceding the dismissal which are given in the official statements of Dr. Womer, supplemented by the statements of Trustee Godard to the chairman of this Committee, as the principal justifying grounds of the Board's action. General accusations that Dr. Kirkpatrick was "a vexel or trouble-maker" have also been repeatedly made by President Womer; but the Committee can consider general accusations only in so far as they are supported by specific instances. The specific instances cited in this case consist of the three incidents of 1919, just mentioned, and the State Fair incident of 1915. The Committee has not the gift of mind-reading, and it therefore cannot judge of the relative weight of these several reasons for the dismissal in the minds of the President and Board. It can only note that they are the reasons which have been officially given, and that dismissal upon any one or all of these grounds was wholly unjustifiable, and constituted a grave infringement of the personal and professional rights of professors in Washburn College.

An attempt has been made to justify Professor Kirkpatrick's dismissal on the ground of an action of his which in reality occurred after the dismissal took place. In June, 1919, several members of the college faculty, together with Dr. Kirkpatrick, formed an organization and applied for a charter from the American Federation of Teachers, which is affiliated with the American Federation of Labor. In conversation with Dr. Womer at Topeka the chairman of this Committee mentioned that he personally disapproved of the "unionization" of college teachers. In a subsequent letter to the chairman Dr. Womer reverted to the subject, implying that this was one of the complaints against Professor Kirkpatrick, inasmuch as the formation of this organization was disapproved by a number of the trustees and was believed

to be likely to alienate some supporters of the college. The chairman replied, in substance, that the matter was not germane to the question before the Committee, since the acts complained of, whether proper or otherwise, had taken place after the dismissal, and in consequence of it. President Womer in his reply of September 5, 1919, wrote:

"As to your claim that the action of the teachers in affiliating with the Federation of Labor was taken after the dismissal of Professor Kirkpatrick, and was a counsel of desperation on the part of these men, I beg to inform you that it is decidedly mistaken. Professor Kirkpatrick was the leader in this movement and we have positive proof of the fact that the movement was launched and made considerable headway before the dismissal took place. It was indeed a phase of the insurgent movement that took place earlier in the spring."

The Committee has before it evidence which convinces it that these statements are not in accord with the facts. Testimony of six professors actively concerned in, or cognizant of, this movement is subjoined:

Letter of Professor A. M. Hyde, Secretary of the Local, September 9, 1920:

"The date of application for the charter of the A. F. of T. was June 20, I believe. If there were any definite steps taken previously, they consisted in conversation between Dr. Kirkpatrick and one or two labor leaders here. I should hardly call those definite steps. . . . The securing of the charter was made public in the *Topeka Journal* of June 30. This was the first public announcement of the matter. Dr. Womer could not have been aware of any purpose of forming a union by any member of the Washburn faculty at the time of Dr. Kirkpatrick's dismissal."

From letter of Dr. J. E. Kirkpatrick, September 8, 1920:

"I enclose copy of application for A. F. of T. Charter. Charter bears date of June 23. I made the move for the organization several days after I was notified of the action of the Board asking for my resignation. I had never so much as thought of such a move before and feel sure that no one else had moved in the matter. Womer did not speak to me about it before the Board's action or to any one else."

From letter of Dean A. J. Harno, September 5, 1920:

"In answer to your specific inquiries I cannot give you exact dates. . . . Definite steps were taken to form a local A. F. of T.

during the last half of the month of June, 1919. An application for a charter was made in June and the charter was received early in July, 1919, and the matter was first made public then. I am certain that Dr. Womer was not aware of this purpose at the time Kirkpatrick was dismissed, for there had been no mention of it previously. Dr. Kirkpatrick was probably the most active of the members of the faculty in promoting the organization, yet not to a marked degree. . . . It seemed after Kirkpatrick was dismissed that several others would likewise be dismissed, and it was believed (whether rightly or wrongly) that this would be a protective measure."

From letter of Professor S. G. Hefelbower, September 6, 1920:

"There was no move made looking towards securing a charter that I know of until after the dismissal of Kirkpatrick and his dismissal was assigned as the reason for making this move. . . . I did not favor the movement and never joined, and am not as well informed on the matter as others."

From letter of Professor T. W. Todd, September 31, 1920:

"I am very positive that no definite steps toward the formation of a local of the American Federation of Teachers were taken until after the dismissal of Dr. Kirkpatrick had been made public. Such action was being proposed and discussed at the time of my departure for our summer cottage in Colorado, and I think that could have been but a few days before your visit to Topeka" (July 2).

From letter of Professor Roy Towne, September 13, 1920:

"The union was organized the latter part of June, 1919, after the dismissal of Professor Kirkpatrick, and also after efforts had been made on the part of a group of us to secure for him an impartial hearing, and after repeated threats of a 'house-cleaning' had been made by President Womer against those of us who had signed our names to a protest addressed to the trustees. I am absolutely sure that no union could have been formed at this time had it not been for the action of President Womer."

The statement above quoted from Dr. Womer is from one of his "confidential" communications to the chairman. The Committee, however, recognizes no obligation to respect unsolicited confidences from officials whose acts are under investigation, when those confidences prove to be statements contrary to fact, and appear to be designed secretly to injure other men in the

eyes of the Committee. On the contrary, the Committee conceives it to be its duty to the persons affected, and to the college, to give publicity to this feature of the official methods of President Womer. The Committee adds that, though none of its members are connected with the American Federation of Teachers, it would regard dismissal because of membership in that association as unjustified. The question of professional organization, or of the most suitable form of organization, is one to be settled by members of our profession among themselves without coercion.

#### IV. PROPOSALS FOR SETTLEMENT WITHOUT INVESTIGATION

The Committee in this section of its report places on record certain negotiations between its chairman and representatives of the college with a view to the satisfactory adjustment of the case by local action, without further controversy and without the completion and publication of the investigation.

On his visit to Topeka in July, 1920, the chairman was requested by A. A. Godard, Esq., chairman of the committee on teachers, of the Board of Trustees, and subsequently by President Womer, to suggest a plan by which further controversy and publicity might be avoided, an amicable settlement reached, and safeguards be provided against the recurrence of similar difficulties in the future. The chairman accordingly drew up and submitted a plan of organization and of judicial procedure in cases of dismissal. No action could, of course, be taken upon these suggestions immediately. With respect to the case of Dr. Kirkpatrick, the chairman made the following recommendation:

"For the disposition of the case of Professor Kirkpatrick, the adoption of some such resolution as the following is suggested:

"The Board of Trustees desiring to put an end to a controversy injurious to the college, to give unmistakable evidence of the sincerity of its adoption of the new plan of organization, and to leave no room for any complaint that the college does not deal fairly and considerately with its teachers, resolves that the case of Professor Kirkpatrick shall be dealt with in accordance with the principles of the new plan, and by the machinery therein provided. In order to make this possible, Professor Kirkpatrick is provisionally reinstated, but is given leave of absence for one year (at — salary). In the course of the next college year, after the new plan of organization is established, he shall

be entitled to a judicial hearing upon charges, in accordance with sections 2 and 4 of the above plan, if the President or trustees shall at that time think it best to authorize the bringing of charges; if no charges are presented, and no hearing held within the next college year, the case shall be regarded as closed, Professor Kirkpatrick's reinstatement in that event becoming definitive. He shall be notified not later than February 15, whether proceedings are to be taken against him, and shall receive not less than one month's notice of the date at which a hearing is to be held."

At a conference held in President Womer's office with the President, Professor Kirkpatrick and Dean McEachron, and six other members of the faculty, half of them selected by Dr. Womer and half by Dr. Kirkpatrick, the chairman asked the judgment of each person present upon this plan. It was approved by all of the professors present. President Womer said, in substance, that Dr. Kirkpatrick was hard to get along with, and he doubted whether he "had the grace," or Dr. Kirkpatrick either, to get along together. He at one point proposed that both he and Dr. Kirkpatrick lay their resignations before the trustees; the chairman of the committee declined to entertain this proposal or to submit it to the conference. Dr. Womer finally agreed to the presentation of the plan to the committee of the Board, and promised that, if it were so presented, he would not oppose it. Dr. Kirkpatrick agreed orally—and subsequently in writing—to accept such a plan, and if it were adopted, to do his best to prevent further controversy or public discussion of his case by his friends. The conference ended in apparent good feeling on the part of all present. Before the chairman left Topeka, Mr. Godard for the trustees' committee had agreed to recommend to the Board the creation of a committee on reorganization, to be composed of representatives of the Board, chosen by that body, of the faculty, elected by the faculty, and of the alumni. Whether the Congregational Conference should also be represented was left an unsettled question. It was further agreed by the trustees' committee to recommend to the Board or its Executive Committee that Dr. Kirkpatrick should be provisionally reinstated, in accordance with the above plan, and should, unless all charges were dropped, eventually be given a fair hearing before a judicial committee, in accordance with rules of procedure to be framed by the proposed committee on reor-

ganization. If the understanding thus accepted by both sides at the time of the departure of the President of the Association from Topeka had been faithfully carried out, it is probable that the whole affair would have ended without any further controversy or injury to the college. The President, on leaving, agreed to recommend that no further action be taken by this Association, upon condition of the fulfillment of the understanding which has been outlined.

Immediately after, however, Mr. Godard proposed to Dr. Kirkpatrick the following agreement:

**"TO THE EXECUTIVE COMMITTEE OF THE BOARD OF TRUSTEES OF WASHBURN COLLEGE:**

*"Gentlemen:* For the purpose of adjusting the differences that have arisen between the Board of Trustees and Professor J. E. Kirkpatrick, we make the recommendations hereinafter set forth:

"1. We recommend that he be reinstated as professor of History and Politics in the college, and be given a leave of absence for one year on half pay.

"2. That the Board of Trustees give further unmistakable evidence of its already announced intention to revise the constitution by enlarging the committee for this purpose so that it shall consist of the President and Vice-President of the college, two members of the Board of Trustees who shall be chosen by the Board or by the Executive Committee in session, two members of the faculty, consisting of Doctors Fisk and Harshbarger, and two members of the Alumni Association to be appointed by the President of that Association. This committee shall call into consultation the Advisory Committee, already named, of the Congregational Conference for that purpose. Said Committee to be instructed to provide in the new constitution for a hearing, upon charges before a proper tribunal prior to the dismissal of any full professor in the college, such plan to be in harmony with usages prevailing among the best colleges and universities in the United States. Suitable provision shall also be made for safeguarding the tenure of positions of other professors and instructors in the college.

"3. After the adoption of the constitution providing for such a tribunal and course of procedure, and prior to the end of the college year in 1920, he will be given a hearing before it upon the charges which may be preferred, of which hearing and charges he is to have at least 30 days' notice, unless in the meantime Professor Kirkpatrick has exercised his right to resign.

"4. Professor Kirkpatrick agrees that during such leave of absence, he will, except at the time of such hearing, absent him-

self from Washburn College, and will, during all of said time, refrain from criticism of the administration of the college, and refrain from all activities affecting the college, its faculty or student body.

Very truly yours,

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ } *Committee.*

I agree to the terms set forth, provided that they are adopted by the Executive Committee.

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To this proposal, Dr. Kirkpatrick, his attorney, and faculty friends whom he consulted, took exception on the grounds that the faculty representatives on the reorganization committee were named, instead of being left to be elected by the faculty; that the alumni representatives should be elected by the Alumni Association; that a definite date not later than March 1, 1920, should be set for the final determination of Dr. Kirkpatrick's relation to the college; and that his exclusion from the college campus seemed needlessly humiliating. Changes in the above form of agreement covering these points were therefore drawn and submitted to Mr. Godard, who thereupon broke off negotiations. The President of the Association was advised of this by Dr. Kirkpatrick, and by Mr. Godard in the following letter:

JULY 10, 1919.

*"Dear Sir:*

*"After the interview which Mr. Elliott and I had with you at the National Hotel in this city just before you left, we prepared a written proposition for an adjustment of the matter with Professor Kirkpatrick and submitted the same to him. You will find a copy of this proposition inclosed herewith.*

*"Professor Kirkpatrick has claimed Dr. Fisk as one of his witnesses, if a hearing is to be had. Neither Mr. Elliott nor myself know anything personally about Dr. Fisk's attitude toward this situation or the attitude of Dr. Harshbarger. You talked with the latter party and know more about his views than we do. We*

made an effort to select older members of the faculty, whose experience and judgment would be most valuable to the committee revising the constitution, and at the same time tried to be fair to Professor Kirkpatrick.

"Professor Kirkpatrick rejected our offer, refusing to agree unless the faculty members were selected by election, the alumni members chosen in the same way and also refusing to agree to absent himself from the college during his leave of absence.

"We preferred not to have the college faculty involved in this issue by an election, and thought that individuals chosen to revise the constitution of the college should not be selected on this issue. The Alumni Association does not meet again until next June, and the trustees would not take any part in the selection of alumni representatives, while the situation would afford an opportunity for an unpleasant campaign if an election through the mails were undertaken. It seemed to us, therefore, that while we might concede the election of the two members of the faculty, we could not concede his other points. We judge, therefore, that the negotiations are at an end, as we understand that Professor Kirkpatrick has now gone for his summer vacation.

"At a meeting of the Executive Committee of the Board of Trustees held yesterday, we reported that we had been unable to agree upon a plan of compromise, and our report was received and we were discharged as a committee. At this meeting it was voted that the committee to revise the constitution of the college should be enlarged so as to include the President, two members of the Board of Trustees, two members of the Washburn faculty, chosen by election at a faculty meeting, and two members of the Alumni Association, also that the advisory committee of the Kansas Congregational conference be called into consultation in the matter, and it was directed that provision should be made in the new constitution for protecting the tenure of office of the members of the faculty in accordance with the usages prevailing in the best colleges and universities of the United States.

"The Executive Committee felt that the revision of the constitution of the college and the Kirkpatrick case were two entirely separate matters, and that they should be considered separately. Enclosed you will find clippings from our newspapers indicative of the situation as it stands now.

"We firmly believe that if Professor Kirkpatrick had accepted our proposition, we could have induced the Executive Committee to consent, and its terms would have been carried out. The attitude of the Executive Committee now is that it will be willing to reinstate Professor Kirkpatrick and make him a liberal allowance for compensation, provided he will resign from the faculty, and cease activities in connection with the college.

"We are glad that you were here, and feel that your work in

connection with this case has helped to clear the situation and define the issues. We believe the committee will report a constitution for the college which will meet with your approval. We also believe that we were very fair with Professor Kirkpatrick, and hope you take the same view.

"With personal regards from Mr. Elliott and myself, I am

Very truly yours,

A. A. GODARD.

The President of the Association replied in part as follows:

*My dear Mr. Godard:*

"I am obliged by your courtesy in advising me of the action taken by your committee and the Executive Committee; and I learn with satisfaction that the plan of organization is being proceeded with, and that a representative committee has been appointed to work out the details of a new constitution and plan of judicial procedure for the college. I need not say that I wish this committee success in its efforts and that I shall await with interest the announcement of the constitution which it proposes.

"With respect, however, to the case of Dr. Kirkpatrick, concerning which your letter gives me fuller and more precise information than that of Dr. Kirkpatrick himself, what you say raises by implication the question whether any further investigation by this Association is necessary. Your letter clearly contends that your committee proposed to Dr. Kirkpatrick a fair arrangement, substantially in conformity with the principles agreed upon at the time of my visit to Topeka; that this arrangement was rejected by him; and that consequently the responsibility for the fact that no judicial hearing of any kind is now to be granted him rests upon him, and not upon the Executive Committee of the Board of Trustees.

"I have given careful consideration to this contention; but I am unable to find it substantiated by the facts with which you acquaint me. I think it only fair to give you in detail my reasons for this conclusion.

"1. The plan for the disposal of his case proposed by your sub-committee to Dr. Kirkpatrick, differed in one essential particular from the principles which I had supposed to be accepted by all concerned on July 5; it provided, namely, for appointed rather than elective faculty members on the committee on organization and plan of procedure, and it designated these representatives by name. In taking exception to this, Dr. Kirkpatrick and his advisers seem to me to have been entirely justified; and I, or any representative of this Association, would assuredly

have disapproved strongly of Dr. Kirkpatrick's action, if he had accepted this radical alteration of the plan. The whole idea of a joint committee containing members representing the several interests and points of view which characterize the different elements of the college organization, implies that the spokesmen of each point of view should be genuinely representative. That the faculty representatives, in such a joint committee, should be chosen by a committee of the trustees, would be as illogical as that the trustee representatives should be chosen by the faculty. . . .

"4. The most singular circumstance about this matter, however, is that the plan for a committee on constitution which was finally adopted by the Executive Committee was in accord with the modifications of your plan suggested by Dr. Kirkpatrick (except for one minor and trivial point) ; and yet, if I understand your letter correctly, Dr. Kirkpatrick is still refused any opportunity of a judicial hearing under the new plan, when it is put into operation. That Dr. Kirkpatrick has not been notified that his proposals with regard to the make-up of the committee on constitution have been accepted by the Executive Committee, and that he may expect a hearing under the plan proposed, seems to me an astonishing thing. This course was so plainly the logical consequence of the action taken by the Executive Committee, that the Committee's failure to follow it must necessarily impress any one as significant.

"These, then, are the reasons which make it appear evident to me that, in spite of the somewhat complicated and roundabout manner in which the result has been reached, Dr. Kirkpatrick has been refused the privilege of a hearing under the new plan which is to be adopted; and that the responsibility for this result rests with the Board, or its committees. I trust, however, that it is not too late for the Board to reconsider this feature of its action—which was perhaps taken in haste—and to assure Dr. Kirkpatrick of a hearing as soon as the new plan can be adopted and put into effect, and at a not too late date during the coming academic year.

"If, however, the Board is unwilling to do this, I shall think it necessary that the proposed inquiry by a committee of this association be carried out and a report upon the case published."

The Committee's judgment upon this incident is in accord with that expressed by the chairman in the foregoing letter. Further comment seems unnecessary. A later proposal for a settlement without further action by this Committee is given in Appendix D. The Committee has recorded these incidents partly as showing the full opportunity offered the college authorities to arrive

at a fair and friendly settlement of the case which would have averted much subsequent injury to the college; and partly as a further illustration of the methods employed by those authorities.

#### V. PRESENT CONDITIONS IN THE COLLEGE

Instead of the era of good feeling which promised to result from the action taken at the faculty meetings of June 2 and 7, 1919, there followed, as the result of the dismissal of Dr. Kirkpatrick and of the President's breach of faith with the faculty, a year in which the normal life of the college was deeply disturbed by internal controversies, and by conspicuous evidence of disaffection towards President Womer, on the part of both faculty and students. In the case of a portion of the student body, this took the discreditable form of a bombardment of the President's house with rotten eggs, and the publication of an anonymous pamphlet devoted to an abusive personal attack upon him and containing some unjustified innuendoes. This was rightly condemned by the faculty in a resolution of censure unanimously adopted. The attitude of many of the more serious students and of the Alumni Association is indicated by the facts that forty-eight students signed a petition to the trustees asking for an impartial investigation of the administration, and that at the largely attended commencement meeting of the Alumni Association a majority voted for an investigation of the administration, and a resolution that the alumni should be allowed to elect a majority of the trustees was adopted unanimously.\* Another incident of the year is summarized as follows in a statement which has been published by Professors Gunthorp, Kirkpatrick, and Mudge, the

\* Concerning this recommendation of the Alumni Association, and other proposals which have been made for altering the mode of election of the Board of Trustees—including the suggestion that the college be made a municipal institution—the Committee offers no opinion. Of these proposals a competent judgment could be formed only after an inquiry into various local conditions, external to the college itself, which have not been covered by the Committee's investigation. In any case the Committee understands that it is charged only with the duty of reporting upon those conditions at Washburn College which directly affect the status and the work of members of the faculty and the educational standards of the institution. The Committee is glad to learn, however, that the essentially local but highly important problem referred to is now being studied by committees both of the alumni and of the Congregational Conference.

statement, so far as the following matters are concerned, being supported by other evidence before the Committee:

"Two or three weeks before Commencement, the President of the college, irritated by the frequent and often violent criticisms which have been directed toward him from many quarters, suggested that there be an investigation to include his acts and those of six specified members of the faculty. While the six thus impugned insisted without avail upon being told what charges the President had against them, there was a general and hearty response upon the part of the faculty, favoring an investigation. The six members, especially, insisted upon the investigation. The President very soon withdrew his suggestion of an investigation, saying he merely wanted to meet these members of the faculty in an attempt to get together. He made it clear that he would oppose any attempt to secure a thorough and impartial investigation, such as the faculty desired. The movement for an investigation, first suggested and then abandoned by the President, has gained headway and become an important feature in the present situation."

The action of the President in this instance seems to the Committee to confirm the evidences of administrative incapacity afforded by his conduct in connection with the incidents already given in this report.

During the second semester of the year eight heads of departments resigned. Of the twenty-seven teachers of the grade of professor whose names appear on the faculty list published in May, 1919, fourteen had, by June, 1920, resigned or been dismissed, including four out of the six holding the degree of Doctor of Philosophy.\* Two of those resigning in June, 1920, Professors Pierce and Gunthorp, brought charges against the President touching his official conduct; into these charges the Committee has not inquired, in view of the length of this report and the delays which have already attended its publication. It is evident that this change of one-half the body of professors in a little more than a year shows an abnormal instability in the composition of the teaching staff of the institution, and indicates much dissatisfaction with the conditions of professional service there.

\* The circumstances of the resignation (not included in the above) by Mr. Geddes W. Rutherford of the appointment to succeed Dr. Kirkpatrick as professor of History and Political Science—which he had accepted in ignorance of conditions in the college—have already been recorded in the BULLETIN (Vol. V., No. 6, 1919, p. 8).

It is true that most of those who resigned during the past year have received more highly paid appointments elsewhere. But it is also true that most of these had early in the year given evidence of their intention to embrace the earliest opportunity to leave, and that they have expressed in strong terms to this Committee their disapproval of the internal condition of the college.

During the year dilatory progress was made by the committee on reorganization provided for by action of the Executive Committee of the Board of Trustees in July, 1919. With regard to this, Professors Gunthorp and Mudge state:

"For some months of the past school year the preparation of a constitution for the college was in progress. The committee which framed the original draft was made up of an equal number of trustees, faculty members, and alumni. Representative members of the Congregational Conference chosen by that body for the purpose, were not invited to attend the sessions of the committee. The faculty had opportunity to suggest modifications of the document, and spent several sessions in drafting recommendations. A revised form of the document has been printed and includes few if any of the more important recommendations of the faculty."

The draft of the new by-laws which has not yet been adopted, but has been laid before the Congregational Conference and the Alumni Association for consideration and report, contains a number of very desirable provisions, which are here briefly summarized:

*Trustees:* Two of the twenty-four are to be nominated by the alumni and four by the Kansas Congregational Conference.

*Powers of General Faculty:* "In cooperation with the President, and jointly responsible with him, it shall manage the internal affairs of the institution. Should the President and General Faculty be unable to agree upon any important matter of policy, the question shall be referred to the Welfare Council, which shall have power to decide it, or, if deemed inexpedient by said Council, to refer it with full information to the Board of Trustees."

*General Council:* An advisory council to the President, consisting of the deans and an equal number of members elected by the faculty by ballot. Reappointments, appointments to indefinite tenure, promotions, and refusals of reappointment to teachers on limited tenure, "shall be determined by the President after conference with the General Council and with the head of the department concerned." If the General Council fails to approve of the recommendations of the President, "he shall

have power to refer them to the Welfare Council, which shall have power to veto," or to refer them to the Board of Trustees with its recommendations. The Board may at its discretion consult this council before electing a President.

*Welfare Council:* "A mediating body, constituted for the purpose of securing the largest measure of cooperation between the Board of Trustees, the faculty and the President." To consist of the President, three trustees elected annually by the Board, and three members of the faculty elected annually by the faculty. Meetings to be held semi-annually, also at the call of the President or at the written request of any three members. It "shall consider all such matters and only such matters as are referred to it by the President, the General Council, the General Faculty, by any group of the faculty, or any faculty member. It shall have power to adjust such matters, or failing to do so, shall refer them to the Board. On a three-fourths vote of the faculty, the Welfare Council must present the matter to the Board without a preliminary hearing."

*Dismissals:* Before "demotion or dismissal of teachers on indefinite tenure," at least six months' notice shall be given, and after five years of service, one year's notice.

*Amendments:* The by-laws may be amended at any regular or special meeting of the Board, provided notice of the proposed amendment shall have been given at least ten days before, and the General Faculty and General Alumni Association have been given opportunity to express themselves on the amendment contemplated.

These by-laws, if adopted, will give to Washburn College a form of organization much superior to the system now existing there, and to that still found in many other colleges. The faculty is assigned a definite and large part in the determination of educational policies, and the President is required to confer with a partially elective faculty committee upon the more important appointments and promotions. The provisions for a Welfare Council are especially to be commended, as bridging the gap between faculty and trustees which is a cause of misunderstanding and of internal weakness in many institutions. Nevertheless, these by-laws in their present form are marked by serious deficiencies. In the draft before this Committee, no recognition whatever is given to the essential principle that teachers on indefinite tenure should be dismissed only for cause, after a genuinely judicial hearing upon specific charges before a body in which the faculty has equal representation. There is not even an unequivocal provision for laying the question of dis-

missal, in the case of this class of teachers, before the General Council or the Welfare Council. It is to be noted, also, that there will be a permanent majority of appointive administrative officers in the General Council, and that the President and the representatives of the trustees will always constitute a majority of the Welfare Council.

In any case, no action upon this plan has yet been taken by the trustees, and no assurance is given of its adoption. The Committee, moreover, cannot ignore the fact that the new constitution, if it should finally be adopted, will not be self-enforcing. It will only be an undertaking on the part of the President and trustees to observe certain procedure. Not only will any of its clauses be revocable by a majority vote of the trustees after ten days' notice, but, without formal amendment, the provisions for consultation with faculty representatives will be nugatory unless the President and Board habitually regard such consultation as something more than an idle form. The significance of the new constitution, therefore, will depend chiefly upon the good faith of the administrative authorities who are to apply it, and upon their willingness to give serious and sympathetic consideration to the views of the representatives of the faculty. The Committee is constrained to say that in neither of these two respects does the past conduct of the administration of the college justify a confident expectation that the proposed constitution would be carried out by it in such a way as to alter essentially the conditions shown in the preceding sections of this report. Already on one occasion what were represented as important changes in the college organization, and as the beginning of a new era, have been impressively announced, and the faculty has received assurances that its representatives would be consulted upon certain classes of questions; and within four days those assurances have been violated. This with other instances, most of which have been cited in this report, convince the Committee that no great confidence can be placed in undertakings given under the stress of circumstances by the present administration of the institution; and that its administrative methods in general are deficient in candor and trustworthiness. President Womer's attitude to this investigation, and to inquiries by friends of the college with respect to Dr. Kirkpatrick's dismissal and related matters, has not been that of one desirous of laying all

the facts in the case frankly and freely before the constituency of the college and the teaching profession; it has been marked by apparent efforts at concealment and evasion, and in some cases by statements which were contrary to fact.

It is indeed, true that by the new constitution teachers will—if they wish—be able to appeal to the ultimate legal authority, the Board of Trustees, against violations by the executive of the letter or spirit of that constitution. At the present time this consideration is, for two reasons, of limited pertinency. In the first place, half of the professors in the faculty of 1918-19, including nearly all of those who urged changes such as are embodied in the draft for a pending constitution, have left the college, and a large part of its present faculty is made up of such teachers as have been willing to accept appointment under the conditions known to exist there. In the second place, the uniform support given Dr. Womer by the Board of Trustees would render highly unpromising any appeal to it (or to a Welfare Council of which he and the Trustees' representatives constitute a permanent majority) against any acts or decisions of his, however contrary to the nominal constitution of the college. This support appears, as already indicated, to be due chiefly to a belief in Dr. Womer's indispensability as a money-raiser, and to appreciation of what he has already accomplished in the improvement of the finances and the material condition of the college. So long as the Board retains this belief and this feeling, it is questionable whether a written document alone will effectually prevent a continuance of such acts and policies as have hitherto characterized the administration in power.

The Committee's judgment, based upon these considerations, that no adequate assurance is yet given of the establishment at Washburn College of satisfactory conditions of professional service, is, as it seems to the Committee, confirmed by a statement made publicly by Mr. T. E. Wiggins, Instructor in Journalism, upon his resignation in June, 1920. Since Mr. Wiggins had had no part in the controversies of 1918-19 and came to the college as a new appointee at the beginning of the last college year, his statement has appeared to the Committee to have especial value as evidence with respect to existing conditions in the institution. It is, in part, as follows:

"I am convinced, after a year of neutral observation, that only a cure which gets at the bottom of things can do more than smooth the surface at Washburn. The trouble is not 'Bolshevism,' or a mere passing unrest. It extends farther back, I am convinced, than the Kirkpatrick affair of a year ago. The real root of the difficulty lies in the fact that the final control of the institution is vested in a board of trustees, who mean to do what is best for the welfare of the college, but who are willing to sacrifice the academic welfare, which is after all of paramount importance, to the pressure of financial problems.

"I was one of a moderate group of Washburn teachers, not one of whom has had part in the previous quarrels of the faculty, and some of whom have been connected with the school for more than twenty years, who today appeared before the Board of Trustees asking consideration of a possible solution of our difficulties. The plan presented may not be the true solution, and need not be stated here, but the trustees not only turned down the suggestions, but refused even to consider any other way of meeting the situation, giving an impression of indifference to the seriousness of the situation which made other persons than myself sick at heart and hopeless.

"My resignation is sent as a protest against the heedlessness of the Board of Trustees. No possible solution of the Washburn troubles is possible so long as the trustees insist on a smoothing over of the surface in a short-sighted attempt to sacrifice all for the sake of the financial situation, however serious it may be. In the face of the opinion of these conservative members of the faculty, in the face of the almost unanimous attitude of this year's graduating class, the trustees would solve the problem by mere lip loyalty to the President, without attempting to remove any of the obvious causes of the trouble. So long as the Board remains uncompromising and unsympathetic toward the academic affairs of the college there is no hope of peace, and we shall have another year of scandal sheets, factional quarreling, and a gradual crippling of the college.

"This letter is written in the hope that the alumni and trustees of the college will think of the best interests and future of the college and will wake up to the gravity of the situation. My resignation is meant to be a protest against the almost callous indifference of the trustees to the unbearable teaching conditions at Washburn, and is the word of one who wishes that Washburn may continue to serve Kansas as one of her best educational institutions."

In this connection, it is necessary to call attention to the decisive part played by financial considerations in the incidents already recorded, and in the entire policy of the President and Board. The influence of these considerations shows itself in two ways.

(a) Conspicuously successful on the financial side of his administration, President Womer has, in the Committee's judgment, been conspicuously unsuccessful on other sides. He has failed to retain the confidence of the majority of his faculty, and has appeared incapable of learning what President Thwing has described as "the lesson that the individual man in a college presidency is the incarnation of feebleness, but that joined with other personalities his possibilities are limitless." Both among faculty and students during the later years of Dr. Womer's administration, the morale of the institution has come to be deplorable. So evident had this become by the end of the year 1919-20, that twelve of the most conservative members of the faculty, including the Vice-President, several professors of long service who had, during the previous year, strongly supported the President, and some teachers recently appointed by Dr. Womer himself, petitioned the Board, at its annual meeting in June, 1920, that the President be relieved of a large part of the responsibility for the internal affairs and educational conduct of the institution and be given mainly the duties of financial agent and manager. Such a petition, in view of its source, was manifestly conclusive evidence of the unsatisfactory results of the internal administration of the college by Dr. Womer. The Board, nevertheless, summarily rejected this proposal, thus showing that it regarded the question of conditions within the college as completely overshadowed by Dr. Womer's success in obtaining money for the institution.

(b) This report already contains instances illustrative of Dr. Womer's tendency to judge of questions which should be settled upon grounds of educational principle by considering solely the probable effect of the action to be taken upon the minds of potential contributors to the college funds. Former members of the faculty testify that he introduced this consideration with great frequency in faculty meetings and in conversation, as a decisive reason for measures which he favored. As has been shown, he urged for this reason the retention of a student admittedly not qualified for college work; demanded that S. A. T. C. students be given collegiate credits for work which they had not done; opposed reforms in the internal constitution of the college on the ground that they would impress "men of large financial interests" as "Bolshevism"; and reprimanded a member of the

faculty for reporting a violation of the law without his special permission, on the ground that possible donors might be among the violators. The constant emphasis upon this motive and the iteration of warnings against actions, however innocent or even commendable, which might conceivably be displeasing to any persons from whom gifts might be hoped for, was deeply humiliating to members of the faculty; and the influence of the President tended in this respect to lower the moral standards of the college community, since it discouraged sincerity, civic courage, and a manly and self-respecting frankness. The actual result, it is true, often was—as it is usually likely to be—of the opposite sort to that intended; neither American teachers nor American youth of the present generation take kindly to a moral atmosphere of this type, and the revulsion against it is sometimes extreme—as it seems to have been in the case of a considerable part of the student body of Washburn College. Nothing, moreover, is more likely to breed in young men and women a temper of suspicion toward the present social order than discovering in the institution in which they receive their final preparation for citizenship an attitude such as President Womer attempted to impress upon his faculty—an attitude of habitual timidity, and of deference towards any persons of wealth believed to be potential benefactors of the institution.

The Committee is not unmindful of the difficulties with which President Womer and the Board of Trustees have been confronted, nor does it fail to realize how easy it was for the President to fall into the attitude which has been described. A college must have funds; at a time of rising prices, it must have increasing funds even to carry on its already established activities; and a privately endowed college must obtain these funds from persons of means who are favorably disposed towards it. The Committee, however, is not prepared to believe that methods of repression within and ingratiating without the college, such as seem to it to have been frequently used by President Womer, are indispensable in order to obtain from an enlightened and progressive American community adequate support for any institution which is performing efficiently a large and needed educational service. The Committee rates more highly the average breadth of vision, liberality, and good sense of such communities. To say that the American small private college can subsist only upon such

terms, and in such relations to the rest of the community, as President Womer seems to have thought necessary, would imply a far from hopeful forecast of the future educational standing and the future moral influence of institutions of this type. Such a forecast, the Committee hopes and believes, would be false. In Washburn College at the present time, however, there is, as the Committee has already indicated, no decisive evidence that the principles and methods characteristic of the administration of President Womer hitherto have been essentially altered.

## VI. SUMMARY OF FINDINGS

The principal findings of the Committee may be briefly recapitulated as follows:

1. *With respect to the procedure in the dismissal of Professor Kirkpatrick:* It is established that Professor Kirkpatrick was dismissed without prior notice, hearing, or stated charges, and without his knowledge of certain allegations against him made to the trustees. Some days after the dismissal was consummated he was offered a hearing before the body which had already condemned him unheard. As this proposal ignored the faculty committee which was already in existence, and included no assurance of the observance of the judicial procedure approved by this Association, Dr. Kirkpatrick's rejection of it was not only legitimate but obligatory. Subsequent proposals for an impartial hearing of the case before a judicial committee on which both trustees and faculty should be represented have been repeatedly rejected by the Board of Trustees or its Executive Committee.

2. *With respect to the grounds for the dismissal:* The specific acts of Dr. Kirkpatrick cited by the authorities of the college as reasons for the dismissal prove, upon examination, to consist (a) in his having, some years earlier, angered certain potential contributors by calling the attention of the State's Attorney to a violation of law; (b) in his having talked with a neighbor and personal friend, who was also a trustee, about the movement for increasing the salaries of college teachers; (c) in his having, as a delegate to the Congregational Conference, expressed to one other delegate views about the nomination of a member

of the Board of Trustees which did not coincide with the wishes of President Womer. It is further evident from an analysis and comparison of statements by President Womer, that one of the principal actual causes of Dr. Kirkpatrick's dismissal consisted in his having, during the preceding college year, urged changes in the constitution of the college which would limit the president's powers and give the faculty a greater part in the determination of the educational policies of the institution. It is the judgment of the Committee that dismissal upon such grounds is a violation of the ordinary personal and professional rights of teachers and a proof of the existence of a condition of autocratic government in Washburn College.

3. *With respect to the official conduct of President Womer:* Highly successful in collecting money for the institution and in carrying out a program of material improvements, President Womer has given evidence of serious administrative incapacity in his dealings with the two groups of human beings composing the college—the teaching staff and the students. In his official relations with the faculty he has been at once autocratic and vacillating—having occasional phases of more liberal policy and of a more sympathetic and conciliatory attitude, in which unhappily he has never long continued. A large majority of the professors in office in 1918–19 have given clear evidence of their loss of confidence in his administration; and the rapidity of change in the teaching *personnel* during the past two years has been wholly abnormal. After his assurances to the faculty on June 7, 1919, he was guilty of bad faith in becoming, four days later—whether or not under pressure from trustees—a party to the dismissal of a professor without a hearing and without consultation with the faculty committee. His administrative methods have at times been lacking in candor and trustworthiness; and in connection with the dismissal of Dr. Kirkpatrick, he has manifested an unwillingness to lay the facts in the case fully and frankly before the constituency of the college and the teaching profession. He has refused to answer pertinent questions, and has made, with reference to matters germane to this investigation, statements which are not in accord with the facts. His frequent and exaggerated emphasis upon the necessity of avoiding everything which might give offense to possible contributors to the funds of the college has tended to an improper subordi-

nation of educational principles to financial and advertising considerations, and to the discouragement of frankness and civic courage; though it has been so excessive as, in great part, to produce in both faculty and students the opposite to the effect desired.

4. *With respect to the Board of Trustees:* The relative responsibility of president and trustees in the dismissal of Dr. Kirkpatrick cannot be determined in view of the refusal of trustees to answer questions. In any case, since the trustees have consistently supported President Womer in his acts and policies, they share with him the responsibility for those acts and their consequences. The Board's fundamental error has apparently consisted in actual indifference to the internal condition of the institution under Dr. Womer, so long as his financial policy seemed successful.

5. *With respect to present conditions in the college:* A new constitution which is pending, though not yet acted upon by the Board of Trustees, has several admirable features, including provision for faculty representation in the determination of educational policies. These provisions, however, may be altered or revoked after ten days' notice by a majority vote of the Board of Trustees; and in view of the previous methods and attitudes of the college authorities, the Committee is not of the opinion that the adoption of the new constitution will of itself afford conclusive guarantees of an essential change in the situation, or of the maintenance in Washburn College, under the present administration, of satisfactory conditions of professional service.

Respectfully submitted:

ARTHUR O. LOVEJOY, *Chairman,*  
(Johns Hopkins University)

GRACE VAN S. BAUR,  
(University of Colorado)

RAYMOND G. GETTELL,  
(Amherst College)

EDGAR JAMES SWIFT,  
(Washington University)

U. G. WEATHERLY,  
(Indiana University)

*Committee.*

OCTOBER 15, 1920.

On behalf of the Committee on Academic Freedom and Academic Tenure I have examined the report of the Committee on Inquiry on Washburn College and find it to be in accordance with the procedure approved by the General Committee; and as Acting Chairman of the Committee I authorize its publication. The Committee of Inquiry alone is responsible for its findings of fact.

F. S. DEIBLER,  
*Chairman, Committee A.*

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Since the above report was ready for the press, the text of the new by-laws of Washburn College, in the form finally adopted by the Trustees, has been received, too late for submission to the Committee as a whole or for incorporation in the report. The only change to be made in the summary of these by-laws given above (pp. 118-119) is that the section relating to dismissals now reads as follows: "Demotion or dismissal of teachers on indefinite tenure shall be made only by the Board of Trustees on the recommendation of the President with the approval of the General Council. If demanded in writing by the teacher involved, the grounds of the proposed action shall be stated in writing, and before the recommendation is made to the Board, a hearing on the basis of this statement shall be given before the General Council, the said teacher to be given ten days' notice prior to the hearing. Upon his request a further hearing before the Board shall be granted."

The sentence beginning on the sixth line from the foot of page 119, with the immediately following sentence, should therefore now be deleted.

A. O. LOVEJOY,  
*Chairman.*

## APPENDIX

### A. QUESTIONS SUBMITTED TO

DR. P. P. WOMER, PRESIDENT OF WASHBURN COLLEGE

1. In your opinion, should a college professor on permanent or indefinite tenure, against whose moral character and teaching efficiency no charges are brought, be dismissed without a hearing, consultation with any representative faculty body, and previous notification to him, in specific terms, of all allegations or complaints concerning him which are to be brought before the governing board of the college as grounds for his dismissal?

2. In the case of the dismissal of Dr. J. E. Kirkpatrick from the professorship of history and political science in Washburn College: (a) Was Dr. Kirkpatrick, at or prior to the meeting of the Board of Trustees of June 11, 1919, afforded an opportunity of a hearing before the Board or any of its committees? (b) Was he notified that the question of his dismissal would come before the Board at that meeting? (c) Was he, prior to that meeting, informed of specific charges or complaints that would be brought against him as grounds for his dismissal? If so, what were the charges or complaints of which he was notified?

3. Was the dismissal or enforced resignation of Dr. Kirkpatrick recommended or suggested to the Board of Trustees by you? What statement on this subject was made to the Board by you at its meeting of June 11?

4. Did you at any time state or intimate to the trustees, or to any trustee, that if Dr. Kirkpatrick did not leave the college, you would resign? If so, what were your reasons for taking this position?

5. In your letter to Dr. Kirkpatrick of June 16, 1919, you state that "various plans of far-reaching importance for the development of the college life" had "been seriously jeopardized" by Dr. Kirkpatrick's actions. Please state specifically to what plans you refer, and what actions of Dr. Kirkpatrick jeopardized these plans.

6. Please state as fully as possible your reasons for thinking that Dr. Kirkpatrick should be dismissed. (It is requested that, as answer or partial answer to this question, you communicate the written statement which you laid before Mr. Lovejoy at the time of his visit to Topeka.)

7. At the meeting of the Board of Trustees on June 11, or at any other time, was there mentioned, as one of the reasons for dismissing Dr. Kirkpatrick, the charge that he had threatened the directors of the County Fair with prosecution, on account of alleged gambling at the Fair? If so, by whom was this charge or complaint introduced or mentioned, and precisely what action on the part of Dr. Kirkpatrick was alleged? What evidence as to what had actually occurred in this matter was before the trustees?

8. Was there mentioned, at any meeting of the Board of Trustees or its Executive Committee, as one of the reasons for dismissing Dr. Kirkpatrick, that he had attempted at the meeting of the Congregational Conference to

dissuade the nominating committee from proposing to the Conference the renomination of one of the members of the Board of Trustees nominated by the Conference? If so, by whom was this matter introduced, and what was the precise allegation made with respect to Dr. Kirkpatrick's action at the Conference?

9. In the suggestions submitted to you by a group of professors in May, 1919, with respect to college reorganization, what did you understand to be the functions proposed for the Committee referred to in the first of these suggestions?

10. In what sense did you understand the second of the suggestions, especially the words "internal administration" and "all ordinary business"? Was any explanation of the meaning of this suggestion and of the terms indicated at any time made to you by Dr. Kirkpatrick or any other professor concerned? If so, what was that explanation?

11. Did you regard Dr. Kirkpatrick as the leader of the group of members of the faculty who urged the adoption of these suggestions? If so, why did you regard him rather than any of the other professors as the leader?

12. Did you inform the faculty, at a meeting subsequent to the presentation of these suggestions, that you were prepared to favor the adoption in substance of the first and third of the suggestions? If you suggested modification, precisely what were these modifications?

13. Was the plan for a faculty cabinet or advisory committee in fact adopted?

14. If so, did you say, in answer to the inquiry of a member of the faculty, that you wished the Committee to begin exercise of its functions at once, as you had certain matters in mind which you wished to lay before it?

15. Did you at any time state, or give the faculty to understand, that it would be among the functions of this Committee to advise you on questions relating to tenure of office of teachers and their dismissal?

16. Did you in any manner consult the members of this Committee with reference to Dr. Kirkpatrick's case? If not, for what reason?

17. Did you say to the faculty in the fall of 1918 that if you heard any more criticism of the S. A. T. C. management by any member of the faculty, that member would have to take the consequences?

18. Did you at any time assert, in the presence of the faculty, that you had a right to veto any action taken by the faculty? If so, please state in what connection this position was assumed by you, and, so far as you can recall it, your exact language to the faculty at that time.

19. Did you at any time say to any professor "I am running this college," or words to that effect?

20. At a meeting of the faculty in June, 1919, at which you were to present a paper in regard to your policies, did you say to the Secretary, in effect, "I want the Secretary to enter the name of every man present to-day, for I want it on record just how every one votes on this matter"? (If you have a copy of the paper read to the faculty at that time, please enclose it with your replies, marking it B.)

21. Do you remember calling into your office three of the eight members of the faculty who had signed a statement expressing their views about Dr. Kirkpatrick's dismissal? Did you threaten any of these in any manner, if they did not withdraw from their position? Did you suggest to them that they withdraw their signatures from the statement, addressed to the Board of Trustees, which they had signed?

22. Do you remember a discussion which arose in the fall of 1918 as to the credits to be given to members of the S. A. T. C.? If so, please state the position taken by yourself in this matter, and that taken by the faculty.

23. Is it a fact that, in the course of the controversy over the question of the S. A. T. C. credits, you stated to the faculty, in substance, that it was necessary to give these men credits or it would seriously handicap you in obtaining money for the college in the State?

24. Have you at any time filled a subordinate position in any department of instruction without consulting the head, or ranking professor, of that department?

25. What were the circumstances of the removal of Miss Hazel J. Bullock from the faculty of the college?

26. What were the circumstances and causes of Dean Whitehouse's leaving the college? Did you at any time say to Dean Harno that Dean Whitehouse had been dismissed and that he went to a poorer position than he had occupied at Washburn College?

27. Did you, or the Board of Trustees, dismiss Dean Whitehouse?

28. What were the circumstances and causes of Dean Bredin's leaving Washburn College?

29. It is stated that the name of Lieut. Harry B. Yocom was carried in the Washburn College *Bulletin* containing the announcements for 1918-19 as on leave of absence; that you wrote to Lieutenant Yocom in October, 1918, while he was in the military service of the country, that you had found it necessary to fill his position at Washburn by the permanent appointment of another man; that you did in fact permanently give his position to another man; and that Lieutenant Yocom had no indication of your intention before your letter to him of October, 1918. Are these statements correct? If incorrect, please state in what particulars.

(No direct replies have been received to the foregoing questions. Statements are made in letters of President Womer to Professor Kirkpatrick, to the chairman of the Committee of Inquiry, and to others, covering in part Questions 2, 6, 13, 16, 18; these statements are cited in the Report. To the remaining questions submitted Dr. Womer has declined to lay replies before the Committee.)

#### B. QUESTIONS SUBMITTED TO THE TRUSTEES OF WASHBURN COLLEGE

1. What specific charges or complaints against Dr. J. E. Kirkpatrick were brought forward as reasons justifying, or tending to justify, his dismissal, at the meeting of the trustees of Washburn College on June 11, 1919, or at previous meetings of the Board or its Executive Committee?

2. What inquiry was made by the Board as to the truth of these charges or complaints?

3. Was Dr. Kirkpatrick informed of all specific allegations or charges against him, and given an opportunity to present his side of the case to the Board, before the Board took action?

4. Do you approve the dismissal of Dr. Kirkpatrick? If so, what specific acts, utterances, or omissions to act, on his part, are regarded by you as the justifying grounds for his dismissal?

5. Did the President of the College, at the Board meeting of June 11,

- (a) recommend the dismissal of Dr. Kirkpatrick; or
- (b) indicate that he thought the dismissal desirable; or
- (c) oppose the dismissal; or
- (d) express no decided opinion on the subject?

6. Did the President ever state or intimate to the Trustees that he would resign, or would be disposed to resign, if Dr. Kirkpatrick did not leave the college?

7. Was it alleged at the meeting of the Board of Trustees on June 11, or, to your knowledge, at any meeting of the Board, or its Executive Committee, that Dr. Kirkpatrick had at one time threatened the directors of the County Fair with prosecution?

8. If so, what is your present understanding and belief as to the facts of this incident?

9. Was it alleged at any meeting of the Board or Executive Committee that Dr. Kirkpatrick had, at the meeting of the Congregational Conference, sought to prevent the renomination by the Conference of one of the then members of the Board?

10. If so, is it now your understanding and belief that Dr. Kirkpatrick did in fact make efforts at the Congregational Conference to prevent the renomination of the Board member in question?

11. Is it your opinion that if a college teacher discovers that unlawful gambling devices are in use at a public fair, it is improper for him to call the attention of the County Attorney to this fact, without first obtaining permission from the president of his college to do so?

12. Did the President inform the Board on or before June 11, 1919, that a faculty "cabinet" or advisory committee had been constituted, and that he had offered to take counsel with this committee on questions affecting the tenure of office of professors, and on other matters, before final action should be taken?

13. Is it your understanding that the plan actually adopted for the selection of members of the proposed committee on reorganization is identical, except in one minor particular, with the plan proposed by Dr. Kirkpatrick and his friends?

14. Why was Dr. Kirkpatrick refused an eventual hearing of his case under the provisions to be adopted as a part of the new plan?

(No replies have been received.)

C. LETTER OF THE CHAIRMAN OF THE COMMITTEE TO THE MEMBERS OF THE  
FACULTY OF WASHBURN COLLEGE

SEPTEMBER 25TH, 1919.

TO THE MEMBERS OF THE FACULTY OF LIBERAL ARTS,  
WASHBURN COLLEGE,  
TOPEKA, KANSAS.

As no representative of this Association has had an opportunity of meeting the faculty of Washburn College as a body, for the purpose of making clear to them the position of the Association with respect to the case of Professor Kirkpatrick and the present controversy in the college, and as it is very desirable that the college faculty should understand the Association's action, I am enclosing copy of a letter to President Womer which may serve to define the purposes and methods of the Association's inquiry, and our present attitude with respect to certain suggestions of President Womer.

I am,

Very truly yours,

ARTHUR O. LOVEJOY,  
*President of the American Association  
of University Professors.*

## D. LETTER TO PRESIDENT WOMER

SEPTEMBER 24TH, 1919.

*My dear President Womer:*

There are two points in your letter of September 5th\* on which it is perhaps worth while to add a few words of comment, since they seem to indicate some misapprehension of our position.

I. You ask: "If the policy of the college in the case of Professor Kirkpatrick and similar cases is to be investigated impartially, why should the entire investigating committee be appointed by you, and why should it be composed entirely of those who belong to the Association of University Professors?" While the suggestion contained in this query would have to be laid before our Committee on Academic Freedom and Academic Tenure for approval, I feel confident that the Committee would gladly accept it, if it is seriously intended. If, therefore, you desire it, I will submit to the Committee a proposal that the present investigation be discontinued and that any one of the three following plans be substituted:

i. The Committee of Inquiry to be composed of three or five members of this Association together with three or five persons appointed by the trustees of Washburn College; or

ii. The Committee to be composed of two trustees, two members of the faculty elected by the faculty, two alumni, and two members of this Association; or

\*President Womer has not authorized the publication of the letter referred to.

iii. The Committee to be composed of an equal number of trustees and members of the faculty of Washburn College, elected respectively by the two bodies.

As a matter of course, however, three things would necessarily be understood, if this arrangement should be adopted: (a) That the inquiry should be judicial in purpose and method, based upon definite charges and carried on by a methodical collection of evidence as to the truth of all disputed allegations of facts; and that the charges, the findings (with dissenting opinions, if any), a summary of the evidence, and the text of the principal evidential documents should be published. (b) That the inquiry proceed without any avoidable delay. (c) That the trustees agree beforehand that if the result of the inquiry should be favorable to Dr. Kirkpatrick he will be reinstated in his professorship. A failure to give this assurance at the outset would, of course, be equivalent to an announcement by the trustees that they were not entering upon the inquiry in good faith. A judge can scarcely come into court declaring that, whatever the outcome of the trial, he proposes to see that the accused is hanged anyway. But given the assurance mentioned, I should take great pleasure in recommending to our Committee that it concur in whichever of the above plans the trustees prefer. My own preference, I may add, would be for the third plan.

II. You write: "As to the investigation which you have ordered, we have not yet decided that we care to submit to it, certainly not without more definite assurance that the College side of the case will be treated impartially." If by impartiality you refer to the personnel of the Committee, I have already covered the point sufficiently. But your language seems to intimate a possibility that the college authorities, without agreeing to any form of joint inquiry, may also refuse to "submit" to an independent inquiry by this Association. By this expression I assume that you mean that you and most of the trustees may refuse to make any statement or to answer any questions laid before you. That this attitude has even been contemplated would seem to indicate some misunderstanding of the nature of the matter under investigation, and of the present situation. In fairness to the college, it seems needful to try to make these points clear.

The Association's investigation will be concerned with three issues or classes of issues:

1. First, that of the procedure in the dismissal of professors in Washburn College, as illustrated in the case of Dr. Kirkpatrick. This, from the Association's point of view, is by far the most important question connected with the case. Given orderly, fair and genuinely judicial procedure in such cases, with due representation of the faculty on the judicial body, substantial justice will usually, though perhaps not invariably, result; without such procedure, there is no permanent protection against unjust or arbitrary treatment of college or university teachers—even though it may happen in individual instances of dismissal that no substantial injustice was done. This Association believes that the government of a college, like that of a civil community,

should be a government of laws and not of men. But this is impossible unless teachers holding indefinite or permanent appointments are assured of a full and fair hearing on specific charges before they are dismissed from office; and unless the body which gives the hearing contains an equal representation of their colleagues.

Now, as I have already pointed out in a previous letter, no further investigation is required to establish the main facts with regard to this primary question. The facts are established by the official acts of the trustees, first, at the time of Dr. Kirkpatrick's dismissal, and secondly, at the time of my visit to Topeka and during the subsequent week. A refusal to answer further questions, on the part of the college authorities, would have little or no bearing upon this part of the inquiry.

2. The second question before the Committee relates to the causes or grounds of dismissal. We wish to know, first, what alleged acts or utterances on the part of the dismissed professor were the causes of his dismissal; and second, whether the allegations in question are true in fact. For an investigation into the second part of this question, the testimony of trustees or executive officers is not likely to be indispensable. To the first part of it, their testimony would be pertinent. Before, however, they refuse information on this point, it is to be hoped that they will bear in mind the following facts:

(a) If there is any serious case against Dr. Kirkpatrick, it is eminently in the interest of the college that the case should be presented. For if such a case can be established, the gravity of the faults of procedure, to which I have already referred, would in some degree be diminished. In spite of the unfairness of the *manner* of the dismissal, without stated charges or hearing, if it can now be proved—by this subsequent inquiry—that no real injustice was done, one's judgment of the case as a whole would, necessarily, be materially affected. Upon this point the Committee has an entirely open mind; and it is prepared to publish in its report any definite charges which may be brought against Dr. Kirkpatrick and any pertinent evidence respecting such charges which may be offered by either side.

(b) If the authorities of the college should refuse to state in definite terms the acts (real or supposed) of Dr. Kirkpatrick which were the grounds for his dismissal, they would thereby put the college in a worse position than before—indeed, in the worst possible position—in the eyes of the teaching profession and of the public. To refuse to inform a man, even *after* he has been dismissed, exactly what it is that he has done that caused the trustees to take that action; and to refuse to reply to the inquiries of representatives of the national organization of college and university teachers as to the conditions of tenure of office in the college—this attitude, of itself, would compel any investigating committee to pronounce the most severe condemnation of the conditions existing in the college. No testimony offered by others could be so damaging as the testimony

which the trustees would, in such a case, offer against themselves. A college in which a dismissed teacher could not obtain even a definite *ex post facto* statement of the reasons for dismissal would be an institution in which the last vestiges of respect for justice and fair play would be lacking and in which not even the slightest safeguards would exist against the irresponsible and arbitrary exercise of personal power or against the secret suppression of proper freedom of thought and teaching. I am not yet able to suppose that this is true of Washburn College.

(c) It is finally to be borne in mind, in this connection, that at the time of my visit to Topeka you permitted me to read a formal statement of the reasons which you personally regarded as justifying Dr. Kirkpatrick's dismissal; and that certain of the trustees also gave me a good deal of information as to the nature of some of the principal considerations which influenced the trustees in their action. It is therefore difficult to see why you should now contemplate declining to lay the same statement before our Committee as a whole. I am able to assure you that, if you so desire it, it will be published in its entirety in connection with the report. You will also, I think, recognize an obligation to make specific certain very general allegations concerning Dr. Kirkpatrick which you have made on various occasions, orally or otherwise. It is inconceivable that you should wish to appear to the Committee as one of that class of men who make general charges against other men, and then decline to be specific as to their meaning or as to the circumstances to which they refer. This, however, is a matter which, you will permit me to say, is of a more obvious concern to yourself and to the college than to our Committee. For, in any case, I shall manifestly be able to inform the Committee as to the acts, or alleged acts, of Dr. Kirkpatrick's which appeared to be regarded, in the first week of July, by yourself and the trustees whom I met, as the outstanding reasons for the dismissal.

3. A third class of questions which it is probable that the Committee of Inquiry will find it necessary to consider consists of certain allegations or counter-charges affecting your own official conduct, in your relations with the faculty. The specific incidents referred to are indicated in the questions already submitted to you and to members of the faculty. It is, of course, within your power and privilege to refuse to reply to these statements. If you should decide to refuse, the committee will be obliged simply to state the allegations—which proceed from responsible witnesses—to give the testimony bearing upon them, and to record the fact that you have declined to make any reply to them.

I hope, however, that the inexpediency and unsuitability of a refusal to cooperate in the inquiry will be clear to the trustees and yourself; and that

you will be able to advise me of your agreement to one or another of the three plans proposed at the beginning of this letter.

Turning to another matter—copies of Topeka papers have been sent me containing what apparently purports to be a summary by me of the grounds for Dr. Kirkpatrick's dismissal stated to me by yourself and representatives of the trustees. No such summary has been given by me to the press.

It seems to be manifestly proper that the Washburn College faculty should be kept fully informed of all the phases of this affair, of such grave personal and professional interest to all of them; and I am therefore sending them copies of this letter.

I am,

Sincerely yours,

A. O. LOVEJOY.